

**CRAMER DECL.
EXHIBITS A - A25
[PUBLIC-REDACTED]**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:

**JOINT STATEMENT REGARDING
GOOGLE’S PRESERVATION OF
INSTANT MESSAGES**

Epic Games Inc. v. Google LLC et al.,
Case No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust
Litigation*, Case No. 3:20-cv-05761-JD

*In re Google Play Developer Antitrust
Litigation*, Case No. 3:20-cv-05792-JD

State of Utah et al. v. Google LLC et al.,
Case No. 3:21-cv-05227-JD

*Match Group, LLC et al. v. Google LLC et
al.*, Case No. 3:22-cv-02746-JD

Pursuant to the Court’s Minute Entry for the May 12, 2022 Status Conference (Dkt. No. 247, 3:21-md-02981-JD (“MDL”)) dated May 13, 2022 (“May 13 Order”), the parties in the above-captioned MDL (the “Parties”), by and through their undersigned counsel, submit this Joint Statement proposing a briefing schedule to address Plaintiffs’ allegations regarding Google’s lack of preservation of instant messages created using Google Chat. Pursuant to the Court’s request, Plaintiffs have described below and attached evidence in support of their claim that Google has spoliated instant messages.

I. METHOD OF RESOLUTION

The Parties jointly propose the following briefing schedule for Plaintiffs’ motion:

- Plaintiffs file an opening brief of 15 pages within 7 days of the Court entering the stipulation;

- Google files a response brief of 15 pages within 21 days of Plaintiffs filing their opening brief;
- Plaintiffs file a reply brief of 10 pages within 7 days of Google filing its response brief;
- If, upon review of the papers and argument (if requested), the Court believes that an evidentiary hearing would be useful, the Parties would welcome the Court's guidance regarding the witnesses or other evidence that would be most helpful to the Court.

II. PLAINTIFFS' PROFFER

In their motion, Plaintiffs will argue the following points, which they expect to support with some of the following evidence:

1. Google employees, including the custodians in this case, communicate, or communicated during their tenure at Google, by instant messaging via Google Chat, often daily. *See, e.g.*, Ex. 1 Bankhead Dep. Tr. 234:17-18 (“[D]id you use Google Chat regularly? A. Yes.”); Ex. 2 Brady Dep. Tr. 211:8-12 (“[D]o you sometimes communicate with other Google employees by chat or instant message? A. Yes.”); Ex. 3 Koh Dep. Tr. 113: 24-114:8 (“[H]ow frequently would you describe your use of – of instant messages; daily, less frequently? . . . Everyone at Google used it – at least on my team, used it on a daily basis.”); Ex. 4 Lim Dep. Tr. 447:4-10 (“I do typically use chat every day.”); Ex. 5 Marchak Dep. Tr. 31:4-11 (“I use email and chat . . . primarily”); Ex. 6 Rosenberg Dep. Tr. 127:3-8 (“I use Google Chat probably a few times a day”).
2. Google employees, including the custodians in this case, routinely use or used Google Chat to hold substantive business conversations, including regarding the subject matter of this litigation. *See, e.g.*, Ex. 7 Glick Dep. Tr. 346:2-8 (testifying

that he “would use” Google Chat “to communicate about . . . meetings [he’s] had at Google”); Ex. 8 Kolotouros Dep. Tr. 396:5-15 (testifying that he “messed over Google Chats” with “an executive at Samsung in their mobile division”); Ex. 4 Lim Dep. Tr. 436:12-15; 438:1-5; 446:15-23 (confirming that he “personally ha[s] used Google Chat for business communications” and that he has used Google Chat “extensively over [his] tenure”); Ex. 9 Pimplapure Dep. Tr. 362:15-363:20 (testifying that he “communicated with other [Google] partners,” including Samsung, using Google Chat); Ex. 10 Wang Dep. Tr. 191:9-12 (testifying that he uses Google Chat to communicate “about business . . . [a] few times a day, a few times a week. It depends on the week.”); Ex. 11 (GOOG-PLAY-005601967) (chat in which David Kleidermacher (VP, Engineering, Security & Privacy, Android) describes Google Play’s announcement about access to third-party app stores as “PR crap”); Ex. 12 (GOOG-PLAY-004455818) (chat in which Susan Wojcicki (CEO of YouTube) tells Hiroshi Lockheimer (SVP, Platforms & Ecosystems) that [REDACTED] [REDACTED] Exs. 13-25 (GOOG-PLAY-000087767; GOOG-PLAY-000353866; GOOG-PLAY-000522209; GOOG-PLAY-001956162; GOOG-PLAY-007981137; GOOG-PLAY-008706724; GOOG-PLAY-009909795; GOOG-PLAY-009911168; GOOG-PLAY-009919077; GOOG-PLAY-009919155; GOOG-PLAY-003600774; GOOG-PLAY-000855825; GOOG-PLAY-010077571) (further examples of substantive chats about Google’s business).

3. Google employees were aware that their chats typically were not preserved, and often warned each other not to conduct certain communications on platforms that were subject to preservation, such as e-mail or group chats where preservation

was set to “history on”.¹ See Ex. 27 GOOG-PLAY-003929257 (chat in which a participant asks, “How did history get turned on again?”; another then notes that perhaps the group should “switch back to Hangouts”); Ex. 28 GOOG-PLAY-010510815 (chat from Sameer Samat (VP of Product Management for Android and Google Play) reminding his colleague to “pls keep in mind this chat history is not off”).

4. Google’s default setting for Google Chat is “history off”, such that Google Chats automatically delete every 24 hours. See Ex. 29 Google’s Responses and Objections to Plaintiffs’ Preservation Interrogatories, dated January 14, 2022 (“Google’s Responses”) at 18; Ex. 1 Bankhead Dep. Tr. 235:2-13 (“Are you aware that there is a setting in Google Chats that is called history on or history off? A. Yes. . . Did you ever change your messaging history settings to history on?”; “A. Not that I recall.”); Ex. 8 Kolotouros Dep. Tr. 481:17-23 (testifying that his Google Chat history has been “off” “for as long as [he] ha[s] been using Google Chat”). That has been the default setting since before this litigation was filed.
5. Google’s Chat Retention Policy, made available to Google employees, informs Google employees that when they are subject to a legal hold, certain categories of Google Chats “will be preserved automatically”. The policy further cautions Google employees: “Still, don’t manually delete any chats relevant to the matter at issue under any circumstances.” Ex. 30 2021.11.11 Letter from B. Rocca to L. Moskowitz.

¹ Chats that take place in threaded rooms/spaces are always set to “history on”. Ex. 26 Google’s Responses. Threaded Rooms / Spaces are defined as multi-participant chats that serve as a “central place where people can share files, assign tasks, and stay connect”. Threaded Rooms / Spaces are distinguishable from “Group conversations”, which are “direct message[s] with 2 or more people.” https://support.google.com/chat/answer/7659784?hl=en&ref_topic=7649113.

6. Google's Administrative Help page for Google Chat explains that administrators of Google Chat "can control whether to keep chat history for users in [their] organization" and provides instructions on how to turn "history on" administratively. *See* Ex. 31.
7. Google has not administratively turned "history on" at any point since this litigation began, including after it became clear that its failure to do so was resulting in ongoing deletion of relevant chat messages. *See* Ex. 29 Google's Responses at 18; *see also* Ex. 30 2021.11.11 Letter from B. Rocca to L. Moskowitz (stating that "Google's default settings for chat history for the entire organization is set to off" and "the technological settings on Google's chat retention policy...did not change"). Google confirmed as recently as May 13 that it has not changed the default setting from "history off" to "history on". May 13, 2022 Meet and Confer Representation by M. Naranjo.
8. Many Google custodians in this case have not turned "history on" to preserve their relevant chats. *See* Ex. 1 Bankhead Dep. Tr. 235:6-13; Ex. 3 Koh Dep. Tr. 114:15-23; 117:19-25; Ex. 8 Kolotouros Dep. Tr. 481:24-482:2; Ex. 4 Lim Dep. Tr. 459:2-7; 462:1-13; Ex. 5 Marchak Dep. Tr. 31:17-24; Ex. 9 Pimplapure Dep. Tr. 366:9-367:16; 371:9-16; Ex. 6 Rosenberg Dep. Tr. 129:13-16; Ex. 10 Wang Dep. Tr. 192:3-9.
9. It is highly likely that many Google Chats with information relevant to this litigation have been deleted automatically by Google after it reasonably anticipated this litigation. *See* Ex. 4 Lim Dep. Tr. 456:7-17 ("there were definitely messages that were work related that were deleted" including "during the time of this litigation"); *see also* Exs. 31-36 (GOOG-PLAY-005576717; GOOG-PLAY-009910540; GOOG-PLAY-010510806; GOOG-PLAY-

010510810; GOOG-PLAY-005601967; GOOG-PLAY-003930716) (examples of relevant, substantive chats including Google custodians that post-date the filing of this litigation). Google has only produced 2,511 chats, which constitute less than 0.1% of Google’s production to date.

10. Deleted Google Chats cannot be recovered. *See* Ex. 29 Google’s Responses at 21 (stating that “Google does not have a . . . mechanism to recover or access destroyed or otherwise deleted Google Chat files and Chat Room contents.”).

11. Plaintiffs are prejudiced by Google’s irretrievable deletion (*see* Paragraph 10) of instant messages that contain substantive business conversations, which likely were relevant to this litigation (*see* Paragraphs 2, 9).

Plaintiffs have limited their proffer, as per the Court’s guidance, to evidence “supporting their assertion that Google has engaged in the improper destruction of instant messages”. (May 13 Order.) Plaintiffs will address Google’s arguments below, which were improperly raised in this joint submission, during motion practice.

III. GOOGLE’S RESPONSE TO PLAINTIFFS’ PROFFER

Plaintiffs apparently intend to ask the Court to impose unspecified sanctions on Google for allegedly failing to preserve every single chat—regardless of relevance—of every custodian once litigation was reasonably anticipated. The standard for imposing sanctions for the alleged failure to preserve electronic evidence is high. At a minimum, Plaintiffs must show a “fail[ure] to take reasonable steps to preserve” the evidence and “prejudice...from loss of the information.” Fed. R. Civ. P. 37(e)(1). Plaintiffs’ allegations do not make this showing. In particular, plaintiffs cannot establish that Google failed to take reasonable steps to preserve relevant evidence in light of Google’s Chat Retention Policy and the numerous chats that have been produced, nor can Plaintiffs establish prejudice in light of the voluminous document

1 production in this case—upwards of 2.5 million documents, including hundreds of thousands of
2 emails, presentations, and Google documents.

3 The sum of Plaintiffs’ proffer in support of their request for sanctions is as follows: (1)
4 Google employees used ephemeral chats to communicate about “substantive business
5 conversations, including regarding the subject-matter of this litigation,” Proffer para. 2; (2)
6 Google policies instruct employees not to delete chats subject to a litigation hold, *id.* para. 5; (3)
7 the “history on” setting was not enabled to preserve every single chat for every single Google
8 custodian once litigation was reasonably anticipated, *id.* paras. 7-8; and therefore (4) it is “highly
9 likely” that relevant unspecified chats were deleted once litigation was reasonably anticipated, *id.*
10 paras. 9, 11. Plaintiffs do not proffer any specific evidence of any relevant chats that were not
11 preserved, much less any resulting prejudice to their case.

12 Plaintiffs’ allegations are insufficient to establish that Google failed to take reasonable
13 steps to preserve any relevant evidence once litigation was reasonably anticipated. To the
14 contrary, Plaintiffs’ proffer cites numerous chats that were produced in this litigation, *see* Proffer
15 paras. 2, 3, 9, and notes that Google’s Chat Retention Policy specifically instructed employees
16 not to “manually delete any chats relevant to the matter at issue under any circumstances,” *id.*
17 para. 5. Nevertheless, Plaintiffs contend that they are entitled to an affirmative discovery
18 sanction because Google did not turn “history on” for every single chat of every single custodian
19 once litigation was reasonably anticipated. But Google was not required to preserve every chat
20 of every custodian; Rule 37 “does not call for perfection.” Adv. Comm. Notes to 2015 Amend.
21 of Fed.R.Civ.P. 37(e). Rather, Google was required to take “reasonable steps” to preserve and
22 produce relevant documents, including the chats. *Id.*

23 That is exactly what Google did. Google has taken reasonable steps to preserve relevant
24 documents by issuing legal holds (and subsequent reminders) to relevant custodians and
25 preserved relevant documents within Google’s document storage systems. Consistent with these
26

1 efforts, Google has produced *thousands* of chats, some of which are cited in Plaintiffs’ proffer,
2 *see* Proffer paras. 2,3; *id.* para. 9 (citing “relevant, substantive chats including Google custodians
3 that post-date the filing of this litigation”). Google collected over 129,000 chats from the
4 agreed-upon custodians and over 44,000 group chats. After applying the parties’ agreed-upon
5 search terms and reviewing for responsiveness, only ~6,300 chats and 7,680 group chats hit on
6 search terms and only 2,511 of those were identified as responsive and produced. That so few of
7 the preserved and collected chats were responsive only underscores the generally non-
8 substantive nature of these chats. As the Court anticipated at the recent status hearing, “[i]t
9 seems unlikely” that chats are “more than: Would you like to grab a banh mi after this
10 meeting?” May 12, 2022 Hr’g Tr. at 29:12-15.

11 The deposition testimony cited by Plaintiffs does not support their position. For example,
12 Kobi Glick testified that he received document preservation instructions for this case, and
13 consistent with those instructions he used the history function on Google Chat to preserve any
14 relevant chats. Glick Dep. Tr. 347:9-348:18. The chat between Jim Kolotouros and the
15 Samsung executive cited by Plaintiffs, *see* Proffer para. 2, was produced in discovery in this
16 case, and Mr. Kolotouros was questioned about it at his deposition. Kolotouros Dep. Tr. 396:16-
17 397:9. And, as explained in a prior Joint Case Management Statement, Tian Lim testified that he
18 was instructed to preserve relevant chats, and that he followed that instruction; indeed, Plaintiffs
19 introduced exhibits during Mr. Lim’s deposition establishing that he had preserved substantive
20 chats. *See* ECF No. 159, Joint Case Management Statement 11:8-19 (Dec. 9, 2021). In short,
21 none of the testimony cited in Plaintiffs’ proffer establishes that Google did not take reasonable
22 steps to preserve evidence, and in fact the testimony supports the opposite proposition—that the
23 custodians in this case were instructed about document preservation and followed those
24 instructions, including with respect to chats.

Finally, Plaintiffs cannot establish prejudice in light of the substantial document production in this case. Google has produced upwards of 2.5 million documents in this litigation, totaling nearly 21 million pages. Google’s business strategy, product decisions, and internal and external communications concerning app distribution on Android and the Google Play Store are reflected in hundreds of thousands of emails, Google documents, presentations, and other documents that Google produced to Plaintiffs. In light of this voluminous record, Plaintiffs cannot show that there are meaningful gaps in the evidentiary record. As the Court noted at the recent status hearing, “When you have email and memos and documents and everything else, the chats seem[] the tail on the dog, in terms of where you’re going to find good evidence.” May 12, 2022 Hr’g Tr. at 29:8-11.

Dated: May 27, 2022

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State of Utah et al. v. Google LLC et al.*

E-FILING ATTESTATION

I, Hae Sung Nam, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

s/ Hae Sung Nam

Hae Sung Nam

EXHIBIT A1

EXHIBIT 6

HIGHLY CONFIDENTIAL

Page 1

** H I G H L Y C O N F I D E N T I A L **

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Case No. 3:21-md-02981-JD

-----X

IN RE GOOGLE PLAY STORE

ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC, et al.,

Case No: 3:20-cv-05671-JD

In re Google Play Consumer

Antitrust Litigation,

Case No: 3:20-cv-05761-JD

In re Google Play Developer

Antitrust Litigation,

Case No: 3:20-cv-05792-JD

State of Utah, et al.,

v. Google LLC, et al.,

Case No: 3:21-cv-05227-JD

-----X

February 10, 2022

9:04 a.m.

Videotaped Deposition of JAMIE
ROSENBERG, taken by Plaintiffs, pursuant to
Notice, held via Zoom videoconference,
before Todd DeSimone, a Registered
Professional Reporter and Notary Public.

1 (Plaintiffs' Exhibit 786 marked
2 for identification.)

3 Q. Does Exhibit, when you get it
4 pulled up, the question is whether Exhibit
5 786 are e-mails between you and
6 Mr. Kolotouros on June 8th, 2019?

7 A. I see that.

8 Q. Again, these are e-mails that
9 you sent, received, and maintained in the
10 ordinary course of business at Google?

11 A. Yes.

12 Q. And it looks like according to
13 these e-mails you have some IM, instant
14 message, conversation with Mr. Kolotouros
15 on June 7th about [REDACTED] and the Play
16 Store, right?

17 A. I see that written here.

18 Q. Was the IM chat on Google Chat
19 or was it using some sort of a different
20 platform?

21 A. It probably would have been on
22 Google Chat.

23 Q. Is that the platform that you
24 typically use?

25 A. You mean for IM with coworkers?

1 Q. Correct.

2 A. Yes.

3 Q. And how long -- how often do
4 you use Google Chat to discuss business
5 with coworkers?

6 A. Well, I mean, I use -- I use
7 Google Chat probably a few times a day for
8 various purposes.

9 Q. And some of those purposes
10 involve discussions about the business of
11 the Play Store, right?

12 A. Typically it would be, I mean,
13 there is different purposes, sometimes I
14 would ping someone on Chat to see if they
15 are available on short notice for a call or
16 to join a meeting. I might ping my
17 assistant on Chat to ask her a question or
18 ask her to please schedule a follow-up with
19 someone. I might ping someone for, if we
20 are in a meeting, you know, remind me who
21 that person is on the left. Those types of
22 things. Maybe to clarify a fact or make
23 sure I heard something correctly.

24 Q. Sometimes you also have
25 substantive business discussions with

1 respect to not just logistical issues, but
2 you are discussing something about the
3 business on Google Chat too, right?

4 A. No, not typically, as I recall.

5 Q. And in this instance it looks
6 like you were using the IM chat with
7 Mr. Kolotouros to talk about the rev share
8 on the Play Store that [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] rev share on the Play
10 Store, right?

11 A. I don't -- I don't know. It
12 looks like from this it was a chat that he
13 initiated and he might have said, you know,
14 something very simple without a lot of
15 detail, and then it was in the e-mail where
16 I was asking for the detail behind it.

17 Q. And according to your e-mail
18 that you sent at 10:28 you said to
19 Mr. Kolotouros "You mentioned in our IM
20 chat yesterday that [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] on the Play
22 Store."

23 Do you still have those IM
24 chats?

25 A. No, I don't believe so.

1 Q. Do you know -- why don't you
2 believe you have those chats, is it because
3 your chat history is turned off, or what
4 leads you to believe that you don't have
5 those chats anymore?

6 A. Based on -- I believe my chat
7 history is turned off, so they wouldn't
8 have been preserved.

9 Q. Is your chat history still
10 turned off or did you turn your chat
11 history on at some point?

12 A. It is off.

13 Q. Have you done anything to
14 preserve chats for purposes of this
15 litigation?

16 A. No, not that I recall.

17 Q. Now, Mr. Kolotouros in response
18 to your e-mail here says that [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] " And by that, that means that

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] in return for

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED], is that what that
23 means?

24 A. Can I just take a minute to
25 read his e-mail?

EXHIBIT A2

EXHIBIT 8

1
2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 SAN FRANCISCO DIVISION

5 -----X
6 IN RE GOOGLE PLAY STORE Case No.
7 ANTITRUST LITIGATION 3:21-md-02981-JD

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9 Epic Games Inc. v. Google LLC, et al.,
10 Case No: 3:20-cv-05671-JD

11 In re Google Play Consumer
12 Antitrust Litigation,
13 Case No: 3:20-cv-05761-JD

14 In re Google Play Developer
15 Antitrust Litigation,
16 Case No: 3:20-cv-05792-JD

17 State of Utah, et al., v.
18 Google LLC, et al.,
19 Case No: 3:21-cv-05227-JD

20 -----X

21 *HIGHLY CONFIDENTIAL - UNDER PROTECTIVE ORDER*

22 REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
23 JAMES KOLOTOUROS
24 VOLUME II
25 February 3, 2022
9:02 a.m. Pacific Standard Time

Reported by: Fran Insley

1 KOLOTOUROS - HIGHLY CONFIDENTIAL

2 Q. In the ordinary course of business,
3 do you send instant messages or Google Chats?

4 A. Yes.

5 Q. Do you know who [REDACTED] is?

6 A. [REDACTED] is an executive at [REDACTED]
7 in their mobile division.

8 Q. And he is the Director of
9 Innovation; is that correct?

10 A. I believe he is a vice president
11 now.

12 Q. Okay. Thank you. Have you ever
13 instant messaged or messaged over Google Chats
14 with [REDACTED]?

15 A. Yes.

16 Q. Great. If we could just go to the
17 next tab, that is 636, Plaintiff's Exhibit 636.
18 And while you're opening that, I'll just read
19 it into the record. It's GOOG-PLAY-008165967.
20 And this appears to be a chat. I can represent
21 that the meta-data says that you are the
22 creator of the study of this message and we
23 believe it is in a conversation you had with
24 [REDACTED] and in this message it
25 says, "Search deals are about defaults and

1 KOLOTOUROS - HIGHLY CONFIDENTIAL

2 subject to a litigation hold notice?

3 A. I do not think so, no.

4 Q. How about in the past four years,
5 has there been any point at which you have not
6 been subject to a litigation hold notice?

7 A. I feel I'm sensitive going back
8 beyond like a clear timeframe for fear of being
9 inaccurate in the chronology.

10 Q. It's possible but you're just not
11 sure; is that fair?

12 A. Yes, I think that's fair.

13 Q. Do you have -- strike that.
14 Do you know what I mean when I say
15 history off in respect to Google Chats?

16 A. Yes.

17 Q. Do you have history off in your
18 Google Chats?

19 A. I do.

20 Q. How long have you had history off in
21 your Google Chats?

22 A. I think for as long as I have been
23 using Google Chat.

24 Q. Have you ever turned history on in
25 Google Chat?

1 KOLOTOUROS - HIGHLY CONFIDENTIAL

2 A. Not that I can recall.

3 Q. And just to be clear, my
4 understanding of having history off means that
5 the chats are deleted after 24 hours. Is that
6 a correct understanding?

7 A. That is my understanding as well.

8 Q. When history is on, the chats are
9 preserved; is that correct?

10 A. I think that is correct, yes.

11 Q. And when did you start using Google
12 Chats?

13 A. I don't know -- I don't when the
14 service was rolled out, so I have been using it
15 probably since it was deployed to the general
16 Google employee population.

17 Q. Prior to using Google Chats, did you
18 use a different service?

19 A. I think it might have been Hangouts
20 but it would have been an internal tool.

21 Q. Do you remember when -- strike that.
22 How long did you use Hangouts?

23 A. I'm not sure I would call when
24 Hangouts was introduced or displaced by chats,
25 so I'm not sure when the timing is.

1 KOLOTOUROS - HIGHLY CONFIDENTIAL

2 Q. During the pendency of any of the
3 litigation holds that you have been subject to,
4 did anybody ever instruct you to turn your
5 history on on Google Chats?

6 MR. POMERANTZ: I'm going to
7 instruct him not to answer on that
8 question on grounds of privilege.

9 Q. And are you going to take your
10 attorney's instruction, Mr. Kolotouros?

11 A. Yes, I will.

12 MR. J. BYARS: Just for the record,
13 Glenn, you know that we disagree with
14 that, but we will have that discussion
15 later.

16 MR. POMERANTZ: Understood.

17 Q. Were the there any other modes of
18 communication that you used at Google aside
19 from e-mail or Google Chats?

20 A. Phone calls and video conference
21 calls.

22 Q. Are phone calls recorded at Google?

23 A. I don't believe so.

24 Q. Are video conference calls recorded
25 at Google?

EXHIBIT A3

EXHIBIT 9

1
2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 SAN FRANCISCO DIVISION
5 -----X
6 IN RE GOOGLE PLAY STORE ANTITRUST
7 LITIGATION

8 Case No. 3:21-md-02981-JD

9 THIS DOCUMENT RELATES TO:
10 Epic Games Inc. V. Google LLC, et al.,
11 Case No: 3:20-cv-05671-JD

12 In re Google Play Consumer
13 Antitrust Litigation,
14 Case No: 3:20-cv-05761-JD

15 In re Google Play Developer
16 Antitrust Litigation,
17 Case No: 3:20-cv-05792-JD

18 State of Utah, et al. v.
19 Google LLC, et al.,
20 Case No: 3:21-cv-05227-JD

21 -----X

22 ** HIGHLY CONFIDENTIAL **
23 VIDEOTAPE REMOTE DEPOSITION
24 ASHISH PIMPLAPURE
25 Wednesday, March 23, 2022
9:03 a.m. (PST)

Reported by:
Erica Ruggieri, CSR, RPR, CLR

1 PIMPLAPURE - HIGHLY CONFIDENTIAL
2 certain partners or certain topics,
3 yes.

4 Q. Certain partners and
5 certain topics?

6 A. Certain partners or certain
7 topics.

8 Q. And have you received -- do
9 you recall having received a
10 litigation hold notice related to
11 this litigation?

12 A. Yes.

13 Q. Is one of the topics for
14 partners that you were asked to
15 preserve for litigation related to
16 your instant messaging?

17 MS. CURRAN-HUBERTY: Hang on.
18 You can answer that yes or no.

19 A. Yes.

20 Q. And do you use instant
21 messaging platforms for business
22 communication while employed by
23 Google?

24 MS. CURRAN-HUBERTY: Object to
25 form.

1 PIMPLAPURE - HIGHLY CONFIDENTIAL

2 A. So I use the products or
3 services that are provided by
4 Google.

5 Q. Which are?

6 A. So the products themselves
7 have changed over time but whatever
8 is available as part of gmail from
9 Google Doc, Google Chat, Hangouts
10 and now I think it's called Meets.

11 Q. What's the last one again,
12 please?

13 A. I believe it's meet,
14 M-E-E-T.

15 Q. And so you've used these
16 various proprietary Google Chat
17 products throughout the course of
18 your employment history at Google
19 for business communications,
20 correct?

21 MS. CURRAN-HUBERTY: Object to
22 form.

23 A. So normally the chat is
24 used for more informal
25 communications either with my

1 PIMPLAPURE - HIGHLY CONFIDENTIAL
2 colleagues at Google or in some
3 cases with a partner.

4 Q. What do you mean by a
5 partner?

6 A. So for example, in the case
7 of Samsung I may have used Google
8 Chat to communicate with a person at
9 Samsung.

10 Q. Is Samsung the only partner
11 that you've used Google Chat to
12 communicate with while you've been
13 employed by Google?

14 A. I believe I have
15 communicated with other partners
16 besides Samsung.

17 Q. What other partners do you
18 recall having communicated with?

19 A. So Lenovo is another
20 partner that comes to mind.

21 Q. And were your
22 communications with Lenovo related
23 to your work on Android?

24 A. So at the time I was with
25 the Android team Lenovo was one of

1 PIMPLAPURE - HIGHLY CONFIDENTIAL
2 the partners, in which case there
3 may have been some chats that I had
4 with the person at Lenovo.

5 Q. Are there any other
6 partners that you recall having
7 chatted with?

8 A. It's possible that I may
9 have chatted with HP but that would
10 have been part of Chrome OS.

11 Q. Are you aware of how Google
12 preserves your chats when you are
13 subject to a litigation hold notice?

14 MS. CURRAN-HUBERTY: Object to
15 form.

16 A. I'm not -- I don't know if
17 there's a specific or a different
18 way of preserving other than what's
19 normally as part of Google Chat
20 functionality.

21 Q. What is normally part of
22 the Google Chat functionality?

23 A. So that itself has evolved
24 over time and I believe at some
25 point the defaults switched from

1 PIMPLAPURE - HIGHLY CONFIDENTIAL
2 preserving the chat to chats being
3 temporary with a certain time
4 period.

5 Q. Do you recall when that
6 change occurred?

7 A. That I do not recall.

8 Q. Do you recall whether the
9 change from preserving the chats in
10 the normal course to having the
11 chats disappear after a period of
12 time was before or after
13 January 1st, 2016?

14 A. That I do not recall.

15 Q. When the evolution from
16 automatically preserving chats to
17 having chats disappear after a
18 period of time occurred, how did you
19 ascertain whether or not to turn a
20 chat history on or off?

21 A. So that really depended on
22 the context of the conversation. In
23 most cases the conversations were
24 not substantive in the sense that
25 not a lot of information was being

1 PIMPLAPURE - HIGHLY CONFIDENTIAL
2 exchanged. It was more about
3 sharing mixedware document or
4 confirming something. And so
5 depending on what is being shared,
6 either myself or the person that I'm
7 talking to may set the default, we
8 changed the default.

9 Q. So it was your or the
10 person you were talking to
11 unilateral discretion as to whether
12 or not the information you were
13 talking about was substantive to the
14 litigation or not?

15 MS. CURRAN-HUBERTY: Object to
16 form.

17 A. So my response is not
18 related to the litigation matters.
19 It's a more general chat practice
20 that we have where if there are some
21 useful links we've shared one may
22 change the defaults so that those
23 links are preserved for example.

24 Q. So when you decide to turn
25 chat history on, it's done without

1 PIMPLAPURE - HIGHLY CONFIDENTIAL
2 respect to whether or not there is
3 ongoing litigation and your chat
4 pertains to that litigation, you are
5 doing it because you think that
6 saving some of the links would be
7 useful to you or other members of
8 your team or whoever you are
9 chatting with at some later date,
10 correct?

11 MS. CURRAN-HUBERTY: Object to
12 form.

13 A. It would be either links or
14 notes or any other useful
15 information that one may choose to
16 leave in.

17 Q. Right. But the choice to
18 retain it is that because you think
19 that the information would be useful
20 to you, your team or someone at
21 Google at a later date?

22 MS. CURRAN-HUBERTY: Object to
23 form.

24 A. Usually if it is not a
25 substantive conversation, then there

1 PIMPLAPURE - HIGHLY CONFIDENTIAL

2 is not much of a need to save it.

3 But in the case that it is a
4 substantive conversation, then yes,
5 one may choose to save it.

6 Q. For what purpose are you
7 saving a substantive conversation?

8 MS. CURRAN-HUBERTY: Object to
9 form.

10 A. So I would say other than
11 informal chats that may be happening
12 if there is some information that
13 may be helpful in some manner,
14 either to myself or anybody on my
15 team I may choose to save it.

16 Q. So you are not making the
17 decision to save information that
18 relates to an ongoing litigation
19 that you've been instructed to
20 preserve documents for; is that
21 correct?

22 MS. CURRAN-HUBERTY: Object to
23 form.

24 A. So for me in general the
25 chat conversations are fairly

1 PIMPLAPURE - HIGHLY CONFIDENTIAL
2 informal. I don't recall
3 conversations specifically in the
4 context of litigation.

5 Q. Well, we spent much of
6 today discussing your relationship
7 and discussions with [REDACTED]
8 correct?

9 A. Yes.

10 Q. And we have discussed the
11 various terms and revenue shares of
12 those agreements, correct?

13 A. Yes.

14 Q. And some of those
15 conversations have included informal
16 notes that you've made to yourself
17 or sent to other people in your
18 organization that you work with on
19 these issues; is that correct?

20 MS. CURRAN-HUBERTY: Object to
21 form.

22 A. So those notes were either
23 in the form of e-mail or documents,
24 not chat.

25 Q. Of course. Of course. But

1 PIMPLAPURE - HIGHLY CONFIDENTIAL

2 it would still be true that they
3 were informal notes that you made to
4 yourself or sent to other people in
5 your organization?

6 MS. CURRAN-HUBERTY: Object to
7 form.

8 A. I would characterize those
9 notes as rough notes that need to be
10 polished as opposed to an informal
11 conversation with somebody where I'm
12 just coordinating when to meet with
13 them.

14 Q. Sure. So when you engage
15 in chat conversations the only
16 reason that you are preserving by
17 turning chat history on those chats
18 is if you think it's going to be
19 useful to yourself or other members
20 of your team at a later date?

21 MS. CURRAN-HUBERTY: Object to
22 form.

23 A. So it's either me or the
24 person that I may be talking to that
25 may choose to preserve something.

1 PIMPLAPURE - HIGHLY CONFIDENTIAL

2 But in general other than stuff
3 like, you know, when are we meeting
4 for lunch or at what time are you
5 planning to show up tomorrow, I
6 would imagine that if it's anything
7 substantive, then I may choose to
8 preserve it.

9 Q. How often do you switch
10 back and forth between having your
11 chat history on or off on a given
12 day?

13 MS. CURRAN-HUBERTY: Object to
14 form.

15 A. So I don't recall
16 explicitly toggling it on and off.
17 Generally speaking, if somebody just
18 set it to on it will probably stay
19 on for me and that person until
20 somebody were to -- I mean one of us
21 were to explicitly unset it. But
22 that's not something that would
23 happen often.

24 Q. Have you ever received
25 guidance from any nonlawyer at

1 PIMPLAPURE - HIGHLY CONFIDENTIAL

2 Google to turn your chat history

3 off?

4 A. I don't remember getting
5 any guidance at all on turning my
6 chat history off.

7 Q. Have you ever received any
8 guidance from any nonlawyer to
9 specifically turn your chat history
10 on?

11 A. I don't recall of any
12 particular or general guidance for
13 turning chat history on other than
14 the general guidance for preserving
15 any and all content related to a
16 litigation matter which was in the
17 form of a formal e-mail.

18 Q. But didn't you previously
19 state that you only turn chat
20 history on when you were seeking to
21 preserve something substantive for
22 yourself or other members of your
23 team?

24 MS. CURRAN-HUBERTY: Object to
25 form.

1 PIMPLAPURE - HIGHLY CONFIDENTIAL

2 A. Yes.

3 Q. Have you ever given the
4 guidance to anyone to specifically
5 not turn on chat history?

6 A. I have not given that
7 guidance, no.

8 Q. Are you aware whether
9 Google records the audio or video of
10 any of its meetings for later
11 viewing?

12 A. So in certain circumstances
13 for generally meetings, especially
14 in training sessions, the team that
15 is providing the training rituals to
16 record a video session, I would
17 imagine that for quality and
18 performance reasons the team that is
19 building the video conferencing
20 product may record audio and video
21 streams.

22 Q. Who decides whether or not
23 to record a meeting?

24 MS. CURRAN-HUBERTY:

25 A. So I can only speak for the

EXHIBIT A4

EXHIBIT 11

Message

From: Eugene Liderman [REDACTED]
Sent: 9/29/2020 3:01:42 PM
To: Dave Kleidermacher [REDACTED]

• **Eugene Liderman**, 2020-09-29 08:01:42

https://techcrunch.com/2020/09/28/google-play-to-better-enforce-in-app-purchase-policies-ease-use-of-third-party-android-app-stores/

• **Eugene Liderman**, 2020-09-29 08:01:46

Did you see this yesterday

• **Dave Kleidermacher**, 2020-09-29 08:02:11

yeah this was a huge launch many months in the making

• **Eugene Liderman**, 2020-09-29 08:02:35

The choice of stores thing came out of left field though?

• **Dave Kleidermacher**, 2020-09-29 08:03:45

it's all PR crap. Sameer wanted to indicate we're being flexible. In practice, what's been considered [REDACTED]

• **Eugene Liderman**, 2020-09-29 08:04:23

Should we be thinking about this with regards to TR and keep side loaded on the charts?

• **Dave Kleidermacher**, 2020-09-29 08:04:52

not sure I understand your link there

• **Eugene Liderman**, 2020-09-29 08:08:07

[REDACTED] should we continue including off-play in our TR to show the risk

• **Eugene Liderman**, 2020-09-29 08:08:34

even though off-play risk has [REDACTED]

• **Dave Kleidermacher**, 2020-09-29 08:09:35

If we had good quality data, we'd probably want to include it, but we don't. It's worse to show misleading data

• **Eugene Liderman**, 2020-09-29 08:15:43

Speaking of quality data for the TR. Now that I showed you that for Android Enterprise, devices with an MTD represent [REDACTED] of all AE devices are you cool with us publishing the Device Hygiene chart where it's Consumer Play Only vs. Enterprise Play Only

• **Dave Kleidermacher**, 2020-09-29 08:17:38

I still don't like it. Maybe I can be convinced. Other than making AE team happy, what purpose does it have? And how will we make it very clear what it means in terms of P0 vs. DO? I think this shows how important curation/allowlisting is for safety, that's my main takeaway, but not sure this is something that belongs in a transparency report

- **Eugene Liderman**, 2020-09-29 08:21:11

I think the benefits are:
1) As you mention its a great talking point for AE and allows us to consider having more Enterprise specific stats in the future - The AE team uses our TR more than anyone. I also think this helps with our analyst work with Gartner, Forrester, etc... because they all publish about MTDs so for us to prove that malware rates [REDACTED] could help sway their thinking about recommendations on Android
2) It allows us to still show a comparison in chart one so it makes deprecating the off-play stat a little easier

With regards to making it clear about PO/DO, we would add an FAQ item and link to it from that chart so viewers understand what this entails

- **Dave Kleidermacher**, 2020-09-29 08:25:38

the goal of transparency is to provide useful information to the public and raise confidence in what we're doing. What is the message we're trying to send here? Is it simply that enterprise devices are safer? Again, how does that not play right into the hands of the MTDs? Are we going to say that [REDACTED]
[REDACTED]

- **Eugene Liderman**, 2020-09-29 08:30:06

I dont think we would put that in the TR but the AE team does want to do a blog post around GPP capabilities as a refresher. We could certainly add the MTD stat there -

- **Dave Kleidermacher**, 2020-09-29 08:30:52

happy to talk more about the TR idea but it's not a slam dunk

- **Eugene Liderman**, 2020-09-29 08:31:06

ok let me book some time

- **Eugene Liderman**, 2020-09-29 08:31:30

Any feedback on the ioXt App Profile trix I shared with you?

- **Dave Kleidermacher**, 2020-09-29 08:31:40

still hadn't had time to review

- **Eugene Liderman**, 2020-09-29 08:33:55

I basically did a fine grained mapping of ioXt Pledge to VPN pledge to OWAS MASVS

- **Eugene Liderman**, 2020-09-29 08:34:20

A message was edited in Google Chat; view the updated message on (

- **Dave Kleidermacher**, 2020-09-29 08:39:08

can you ping me the enterprise vs. consumer graph again? I want to use the stat today in a talk - is it 10x safer on an enterprise device?

- **Eugene Liderman**, 2020-09-29 08:39:35

- **Eugene Liderman**, 2020-09-29 08:39:41

do you have access to this?

- **Eugene Liderman**, 2020-09-29 08:39:47

if not I can email you a screenshot

- **Dave Kleidermacher**, 2020-09-29 08:40:39

I can access, thanks

- **Eugene Liderman**, 2020-09-29 08:40:45

its all the way at the bottom

- **Eugene Liderman**, 2020-09-29 08:40:50

"Experimental"

- **Dave Kleidermacher**, 2020-09-29 08:41:16

looks roughly 10x

- **Eugene Liderman**, 2020-09-29 08:44:58

Consumer: 0.1126% Enterprise: 0.0039%

- **Eugene Liderman**, 2020-09-29 08:45:14

thats looking at the last day, and using the 12month rolling rate

- **Eugene Liderman**, 2020-09-29 08:46:25

Comes out to 27X right?

- **Dave Kleidermacher**, 2020-09-29 08:47:12

I was eyeballing, saw some .01 and .11s a lot. But that number is better, thanks

- **Eugene Liderman**, 2020-09-29 08:49:01

On the right hand side if you gray out the non-SMA values it will be easier to see - https://screenshot.googleplex.com/7b6LXFriqocxh6C.png

- **Dave Kleidermacher**, 2020-09-29 08:58:39

what is SMA?

- **Eugene Liderman**, 2020-09-29 09:18:54

Simple Moving Average = 12 month rolling rate

- **Eugene Liderman**, 2020-09-29 09:19:29

We use a rolling rate to smooth out the numbers and mitigate against data volatility

- **Eugene Liderman**, 2020-09-29 09:46:25

Let me know if you have any other questions

- **Eugene Liderman**, 2020-09-29 09:46:33

Do you want the MTD data as well?

- **Dave Kleidermacher**, 2020-09-29 10:05:49

sure, maybe bring that to our meeting...

- **Dave Kleidermacher**, 2020-09-29 10:06:03

(I don't need it now)

EXHIBIT A5

EXHIBIT 12

Message

From: Susan Wojcicki [REDACTED]
Sent: 6/23/2020 12:39:12 AM
To: Hiroshi Lockheimer [REDACTED]

- **Susan Wojcicki**, 2020-06-22 17:39:12

hey when you have a minute it would be good to talk on play billing

- **Susan Wojcicki**, 2020-06-22 17:39:38

my team was really upset and felt the process was subverted [REDACTED]
[REDACTED]

- **Susan Wojcicki**, 2020-06-22 17:48:01

and now i'm telling them its decided

- **Susan Wojcicki**, 2020-06-22 17:48:46

- **Susan Wojcicki**, 2020-06-22 17:55:52

we should have a meeting between them, you, me

- **Susan Wojcicki**, 2020-06-22 17:55:56

so you understand our issues

- **Susan Wojcicki**, 2020-06-22 18:00:13

would have to be this week

- **Hiroshi Lockheimer**, 2020-06-22 20:20:28

Hi Susan, apologies for the delay, I've been dealing with a time sensitive matter. I get this is time sensitive too. ☹️ On this, I think there are some crossed wires.

Per Sameer:

* We wrote a doc and discussed it with Adam Smith (VP for subscriptions) last week.
* I called Adam personally and spoke with him this weekend.
* I met with John Harding personally this weekend at Martis Camp to make sure he was up to speed
* Scott, who I did say I would get back to, [REDACTED]
[REDACTED] I emailed him saying "I'm happy to update you but don't want to bother you with this -- tell me when you are ready". He responded today with something like "since you already talked with sundar I guess it's not needed".
* I spoke with Neal on Friday as well.

Anyway, Sameer says he's going to reach out to Neal again now. In parallel we can get time scheduled too

- **Susan Wojcicki**, 2020-06-22 21:08:32

Yes they did meet. I am not saying they didn't

- **Susan Wojcicki**, 2020-06-22 21:08:57

but they were under the impression that there could be an agreement to help resolve the issues

- **Susan Wojcicki**, 2020-06-22 21:09:02

and there clearly wasn't

- **Susan Wojcicki**, 2020-06-22 21:09:19

and they clearly didn't understand there was an announcement a week away

- **Susan Wojcicki**, 2020-06-22 21:10:32

- **Susan Wojcicki**, 2020-06-22 21:10:40

and the team went around them

- **Susan Wojcicki**, 2020-06-22 21:11:09

Scott is allowed to take off 2 days [REDACTED]

- **Susan Wojcicki**, 2020-06-22 21:11:37

so not sure why that is relevant for a major change

- **Hiroshi Lockheimer**, 2020-06-22 21:11:43

Wait, Susan, when did anyone say Scott can't [REDACTED]

- **Susan Wojcicki**, 2020-06-22 21:11:55

no sameer just brought that up

- **Hiroshi Lockheimer**, 2020-06-22 21:12:19

Maybe IM is not the best method to discuss this.

- **Susan Wojcicki**, 2020-06-22 21:12:21

I'm just saying this discussion has been going on for a while

- **Susan Wojcicki**, 2020-06-22 21:12:27

he was out Thurs and Fri

- **Susan Wojcicki**, 2020-06-22 21:12:30

so not really relevant!!

- **Hiroshi Lockheimer**, 2020-06-22 21:13:03

(i think the relevance is that there was "homework"; that Sameer was doing re the proposal, but was not -- for understandable reasons -- able to reach Scott)

- **Susan Wojcicki**, 2020-06-22 21:13:16

yes but there is also Neal

- **Susan Wojcicki**, 2020-06-22 21:13:21

there is also email

- **Susan Wojcicki**, 2020-06-22 21:13:32

and there was a framework more than a few days ahead

- **Susan Wojcicki**, 2020-06-22 21:13:39

anyway look I want to find a solution

- **Susan Wojcicki**, 2020-06-22 21:13:42

and want to meet

- **Susan Wojcicki**, 2020-06-22 21:14:00

but I'm saying Sameer's comment wasn't a great excuse

- **Hiroshi Lockheimer**, 2020-06-22 21:14:07

I'm happy to hop on a VC now if you want to chat, and / or we can set up time for us and a small group

- **Susan Wojcicki**, 2020-06-22 21:14:21

I think it would be best to have a small group

- **Susan Wojcicki**, 2020-06-22 21:14:27

you, me, Neal, Scott

- **Susan Wojcicki**, 2020-06-22 21:14:30

is a huge change for us

- **Susan Wojcicki**, 2020-06-22 21:14:43

and you and I never met and [REDACTED]

- **Susan Wojcicki**, 2020-06-22 21:14:55

so we need to find a way to make this work

- **Hiroshi Lockheimer**, 2020-06-22 21:15:08

It's a huge change for us too! I think that's what may be lost here. [REDACTED]

- **Susan Wojcicki**, 2020-06-22 21:15:09

and Sameer too of course

- **Hiroshi Lockheimer**, 2020-06-22 21:15:31

It's a huge change for us too! I think that's what may be lost here. This is not something we are driving. It's P2B etc. we are forced into this.

- **Hiroshi Lockheimer**, 2020-06-22 21:15:34

I'll get time for us

- **Hiroshi Lockheimer**, 2020-06-22 21:15:37

and the small group

- **Susan Wojcicki**, 2020-06-22 21:20:24

thanks. We will obviously need extra eng from Sundar for this since we can't do with our HC. [REDACTED]

- **Susan Wojcicki**, 2020-06-22 21:21:11

we'll have more examples of the type of innovation we need for our business

- **Hiroshi Lockheimer**, 2020-06-22 21:22:54

BTW [REDACTED] I'm fully aware of that. □ One thing to keep in mind [REDACTED]

[REDACTED] Anyway, let's discuss. I feel this has oddly become personal for our teams, it's unfortunate.

- **Susan Wojcicki**, 2020-06-22 21:23:35

I will work for us to find a solution

- **Susan Wojcicki**, 2020-06-22 21:23:45

I understand if [REDACTED]

- **Susan Wojcicki**, 2020-06-22 21:24:20

I am just letting you know that it was a tough issue and the way we closed it really sat badly with them because they thought they had another chance to discuss and then they were told by me today to do it

- **Susan Wojcicki**, 2020-06-22 21:24:37

so it could have been handled a bit better in giving us a head up

- **Hiroshi Lockheimer**, 2020-06-22 21:25:33

we should post mortem that with the team when we meet. my understanding is that this was discussed at length between our teams.

- **Hiroshi Lockheimer**, 2020-06-22 21:25:47

so would love to understand where the gap in understanding came from

- **Susan Wojcicki**, 2020-06-22 21:25:52

yes it would be good to post mortem..

- **Hiroshi Lockheimer**, 2020-06-22 21:25:57

SG

- **Hiroshi Lockheimer**, 2020-06-22 21:26:11

I just asked Tracey to sync with your admin team to schedule something asap

- **Susan Wojcicki**, 2020-06-22 21:27:03

thanks

- **Susan Wojcicki**, 2020-06-22 21:59:05

Hi Hiroshi can I call you just for five min.. I felt that text was not the best way to do that conversation.

- **Hiroshi Lockheimer**, 2020-06-22 22:01:14

Hi, sure! Redacted - Privacy

EXHIBIT A6

EXHIBIT 13

Message

From: Bob Borchers [REDACTED]
Sent: 7/20/2018 12:04:15 AM
To: Jamie Rosenberg [REDACTED]

- **Bob Borchers**, 2018-07-19 17:04:15

Have everything you need for epic?

- **Jamie Rosenberg**, 2018-07-19 17:08:06

yes, I think so... we got BC approval today for the \$\$\$. I just scanned through Albert's slides.... I don't know if tomorrow will be a "slides" type discussion... but there are a couple that are very cool visuals, so I'll have them at the ready

- **Jamie Rosenberg**, 2018-07-19 17:08:46

Also, I want to make sure pick the things that would look good compared to whatever Samsung offered them

- **Jamie Rosenberg**, 2018-07-19 17:09:02

The OOH mockup is awesome, but I'm a bit worried that Samsung might have courted them with lots of ATL associated with Note 9

- **Jamie Rosenberg**, 2018-07-19 17:09:10

The gift card thing is something Samsung can't do

- **Bob Borchers**, 2018-07-19 17:09:48

The wild card for me are the cause related pieces. Might appeal to his current mindset even if they don't drive downloads

- **Bob Borchers**, 2018-07-19 17:09:57

Downloads that is

- **Jamie Rosenberg**, 2018-07-19 17:10:40

yes... and part of our financial offer is to co-fund philanthropic and developer-focused initiatives together

- **Jamie Rosenberg**, 2018-07-19 17:12:57

I think that stuff will resonate conceptually... but they have some philanthropic/ community initiatives of their own, so we'll have to get a feel for how much would be about introducing fortnite to our initiatives or Google making contributions to their stuff.

EXHIBIT A7

EXHIBIT 14

Message

From: Tian Lim [REDACTED]
Sent: 6/10/2020 9:07:15 PM
To: Purnima Kochikar [REDACTED]; Alexi Douvas [REDACTED]; Doug Lucas [REDACTED]
Mike Hochberg [REDACTED]

- **Tian Lim**, 2020-06-10 14:07:15

does this reflect the [REDACTED] convo we just had? lmk if we need a doc or meeting time to align

- **Tian Lim**, 2020-06-10 14:07:59

hey damion, sorry for delay

we had a meeting with sagar and sameer to dump high level context and align on an initial position for hiroshi to engage with [REDACTED]

for the short term starting point, the one that seems to set android/play up better long term, is a slight modification to your proposal [REDACTED]

[REDACTED] for reference, i think this is what you meant by option 2, but the asterisk made it unclear if [REDACTED]

some questions:
2. we're unsure what this means for [REDACTED] i believe the intent is that [REDACTED] 3. does your mid/long term solution for app ownership factor in the london console team's work in app integrity - ie. a developer can pick which app stores to publish to? it's not clear how the 2 projects interact
4. [REDACTED] the separate signing key solution might seem untenable, and again, unclear how it might interact with app integrity project.

some decisions
5. congratulations. you've been nominated to be single POC for the play/android/bd inbound on this topic. purnima/play BD will be single POC for BD on this topic. charmaine on android can support

- **Doug Lucas**, 2020-06-10 14:37:37

lgtn

- **Mike Hochberg**, 2020-06-10 14:42:16

lgtn

- **Purnima Kochikar**, 2020-06-10 15:02:36

lgtn. With one caveat. [REDACTED] □

- **Tian Lim**, 2020-06-10 15:03:44

(—_♡)

EXHIBIT A8

EXHIBIT 15

Message

From: Karan Gambhir [REDACTED]
Sent: 8/4/2020 3:50:39 PM
To: Mike Marchak [REDACTED]

• **Karan Gambhir**, 2020-08-04 08:50:39

morning, I am planning to skip the JBP OKR sync if that's ok? haven't been involved on it for a while anyways

• **Mike Marchak**, 2020-08-04 09:13:05

Ok. I think we should consider whether this falls into high touch programs

• **Mike Marchak**, 2020-08-04 09:13:32

Would be great to get Zach to support

• **Karan Gambhir**, 2020-08-04 09:33:50

ah, sorry saw this late... didn't think of JBPs as a program (is it?)

• **Karan Gambhir**, 2020-08-04 09:34:03

lets chat about it

• **Mike Marchak**, 2020-08-04 09:42:47

Good question. I think it needs some program coordination in the long run

• **Karan Gambhir**, 2020-08-04 11:09:38

thoughts?

• **Karan Gambhir**, 2020-08-04 11:11:02

I thought there is a really good story coming out... big question on my mind is people may ask - was it really that big a risk (I don't think we have a good enough answer to that yet - need to build)?

• **Mike Marchak**, 2020-08-04 12:49:28

I'm hoping we don't need to answer that. And it's impossible to say... We'd have to not do Hug and see what Riot, ABK, NC, etc all would have done to assess

• **Mike Marchak**, 2020-08-04 12:50:12

That is what we all agreed on collectively...

• **Mike Marchak**, 2020-08-04 12:50:27

Trying to second guess now seems like a waste

• **Mike Marchak**, 2020-08-04 12:51:00

Understanding future risk to assess 2.0 will be important

• **Mike Marchak**, 2020-08-04 12:51:10

But I think it is a separate conversation

• **Karan Gambhir**, 2020-08-04 12:56:44

agreed on that... just that I do expect that question to come - and there is an argument for us to say that if post Fortnite we had Riot also do what they were planning, and eventually join forces with Tencent we "may" have been screwed... but the choice was to not let that probability become a reality, which we did a good job of... and that is also exactly why Hug needs to go on

EXHIBIT A9

EXHIBIT 16

Message

From: Jim Kolotouros [REDACTED]
Sent: 9/21/2016 7:45:50 PM
To: Steven Kan [REDACTED]

• **Jim Kolotouros**, 2016-09-21 12:45:50

Steven

• **Steven Kan**, 2016-09-21 12:45:58

hello

• **Jim Kolotouros**, 2016-09-21 12:46:19

if a bastard OEM flips the high performance flag on a device to "yes" and illegally sideloads Daydream home, what will happen?

• **Steven Kan**, 2016-09-21 12:46:43

good question.

• **Steven Kan**, 2016-09-21 12:47:01

that would mean they shipped a device that does not pass the VR CTS.

• **Steven Kan**, 2016-09-21 12:47:13

what do we do with OEMs that ship devices that do not pass CTS and GTS?

• **Jim Kolotouros**, 2016-09-21 12:47:13

yes.

• **Jim Kolotouros**, 2016-09-21 12:47:31

if they don't have a MADA? we can send them a C&D which they will ignore.

• **Jim Kolotouros**, 2016-09-21 12:47:41

if they do have a MADA, we can play more rough

• **Steven Kan**, 2016-09-21 12:48:25

I think we would follow the same policy as Android, but I haven't thought about it deeply.

• **Jim Kolotouros**, 2016-09-21 12:56:09

you might want to apply a tighter filter/higher bar

• **Jim Kolotouros**, 2016-09-21 12:56:12

but we can help with that

EXHIBIT A10

EXHIBIT 17

Message

From: Jay Kim [REDACTED]
 Sent: 3/18/2017 12:40:47 AM
 To: Ashish Pimplapure [REDACTED]

• **Jay Kim**, 2017-03-17 17:40:47

Are you guys going to hold on the approval?

• **Ashish Pimplapure**, 2017-03-17 18:33:03

Hey

• **Ashish Pimplapure**, 2017-03-17 18:41:48

when can we chat? Thanks

• **Jay Kim**, 2017-03-17 18:44:24

I am in a meeting

• **Ashish Pimplapure**, 2017-03-17 18:45:29

ok. thanks

• **Ashish Pimplapure**, 2017-03-17 19:03:09

so I have to update Hiroshi / Jamie after my chat with you. Any thoughts on when we can chat? Many thanks!

• **Jay Kim**, 2017-03-17 19:04:07

What are we talking about?

• **Ashish Pimplapure**, 2017-03-17 19:04:37

MADA

• **Ashish Pimplapure**, 2017-03-17 19:05:00

We already cleared the device approvals, so thankfully don't need to talk about those :)

• **Jay Kim**, 2017-03-17 19:09:21

Can we talk in 1 hr?

• **Ashish Pimplapure**, 2017-03-17 19:10:43

ok. can you please unblock the issue that I discussed with Seung. We totally understand Peter's position, but need to make sure that MADA placement requirement reflects the same.

• **Jay Kim**, 2017-03-17 19:11:39

I will talk to him once I get out of this meeting

• **Ashish Pimplapure**, 2017-03-17 19:11:48

ok. thanks

• **Jay Kim**, 2017-03-17 19:12:05

Will ping later

• **Ashish Pimplapure**, 2017-03-17 19:12:26

ok. I am standing by. Jamie just pinged me about status

• **Jay Kim**, 2017-03-17 20:49:45

Talk in 15 min?

- **Ashish Pimplapure**, 2017-03-17 20:49:51

sure

- **Ashish Pimplapure**, 2017-03-17 21:10:50

let me know when. thanks.

- **Ashish Pimplapure**, 2017-03-17 22:47:10

This is what I am thinking:

- **Ashish Pimplapure**, 2017-03-17 22:48:38

we include this language:

Company will...(5) ensure that any and all long press and long touch activities on the "Home" button on Devices with either physical or soft navigation buttons will directly access Google.

and then add something like this:

"notwithstanding the foregoing, one of the above actions (either long press or long touch) may be reassigned to an alternate functionality that is mutually agreed to by both parties."

- **Ashish Pimplapure**, 2017-03-17 22:52:35

what do you think?

- **Ashish Pimplapure**, 2017-03-17 22:56:21

basically, if the parties agree, then it can happen anytime... even with an MR on GS8

- **Ashish Pimplapure**, 2017-03-17 23:09:31

Here is a tweaked version of the concept. reviewing it internally:

- **Ashish Pimplapure**, 2017-03-17 23:09:35

(5) ensure that any and all long touch and long press activities on the "Home" button on Devices with physical or soft navigation buttons will directly access Google. Notwithstanding the foregoing, the parties may mutually agree in writing to reassign one of long press or long touch activity on the "Home" button to another functionality.

- **Jay Kim**, 2017-03-17 23:19:28

Do you need any and all?

- **Jay Kim**, 2017-03-17 23:19:35

Lets remove this

- **Ashish Pimplapure**, 2017-03-17 23:20:07

actually, our legal team flagged it on your behalf :)

- **Ashish Pimplapure**, 2017-03-17 23:20:41

they said that if we don't say "any and all," it means that Samsung has to map both long touch and long press on every device, which is not what Samsung wants

- **Jay Kim**, 2017-03-17 23:21:34

Hmmm I need to check with my legal and also with Injong

- **Ashish Pimplapure**, 2017-03-17 23:21:38

ok

- **Ashish Pimplapure**, 2017-03-17 23:21:49

there is only two input types

- **Ashish Pimplapure**, 2017-03-17 23:22:08

so any and all doesn't really mean anything more than 0, 1, and 2. (hopefully it is never 0)

- **Ashish Pimplapure**, 2017-03-17 23:22:28

btw, I have not vetted this with Hiroshi yet

- **Ashish Pimplapure**, 2017-03-17 23:22:37

I wanted your feedback before I go to them

- **Ashish Pimplapure**, 2017-03-17 23:23:03

I think it is clean, and gives the flexibility of changing stuff around without tying it to a device

- **Jay Kim**, 2017-03-17 23:23:10

I know, we both have to talk internally

- **Ashish Pimplapure**, 2017-03-17 23:28:42

thanks

EXHIBIT A11

EXHIBIT 18

Message

From: Mike Herring [REDACTED]
Sent: 6/20/2019 6:06:49 PM
To: Ruth Porat [REDACTED]

- Mike Herring, 2019-06-20 11:06:49

[REDACTED]

- Ruth Porat, 2019-06-20 11:07:00

thanks

- Mike Herring, 2019-06-20 11:07:50

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Ruth Porat, 2019-06-20 11:12:49

ask

- Mike Herring, 2019-06-20 11:14:16

the incremental investment for play is around mitigating a broader risk - the lack of success in the current structure is the alarm bell

- Ruth Porat, 2019-06-20 11:14:43

i am asking about the request now -- the GDAF q

- Mike Herring, 2019-06-20 11:14:58

If we don't align incentives on the Play store, we believe there is a non-zero risk of the following scenario materializing: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Ruth Porat, 2019-06-20 11:15:00

are you on the BC call? cant see on gvc

- Mike Herring, 2019-06-20 11:15:04

I know that is a lot

- Mike Herring, 2019-06-20 11:15:11

I am, I am in dofa

- Mike Herring, 2019-06-20 11:15:17

sofia

- **Ruth Porat**, 2019-06-20 11:16:15

you are responsible for a complicated area! any concerns about this deal?

- **Mike Herring**, 2019-06-20 11:16:47

concerns are about android, this deal is aggressive but i think it is the right approach

- **Mike Herring**, 2019-06-20 11:16:57

the changes to core and optimized are smart

- **Mike Herring**, 2019-06-20 11:17:12

yes, very complicated, but fun!

- **Ruth Porat**, 2019-06-20 11:17:13

at our next 1-1, great if we can spend more time on it.

- **Ruth Porat**, 2019-06-20 11:17:24

it being this proposal.

- **Mike Herring**, 2019-06-20 11:17:28

sg

- **Ruth Porat**, 2019-06-20 11:17:36

i will approve today but there certainly seem to be a lot of moving parts!

- **Mike Herring**, 2019-06-20 11:17:57

yes

- **Mike Herring**, 2019-06-20 11:18:05

philipp likes it

- **Ruth Porat**, 2019-06-20 11:18:13

good.

EXHIBIT A12

EXHIBIT 19

Message

From: [REDACTED]
Sent: 9/29/2017 8:50:04 PM
To: [REDACTED]
Subject: AAAAO-ucofY-YdOejtVcOPE

• [REDACTED] 2017-09-29T20:50:04.665Z

Do we warn on app stores with high PHA download rates?

• [REDACTED] 2017-09-29T20:50:59.929Z

I think we are supposed to if it's over 5% my understanding is the only exception are file-sharing apps and browsers where the app devs can't control the downloaded content, but I might be mistaken.

• [REDACTED] 2017-09-29T20:56:09.143Z

yes, we flag them, but consider how legit the app store is and how far above the 5% threshold it is, if you think we could get into problems then please send an email around

• [REDACTED] 2017-09-29T20:59:32.705Z

Should we consider amending the policy to include higher baseline threshold for stores?

• [REDACTED] 2017-09-29T21:00:50.654Z

no, I am fine with the threshold, it's just for legit stores we should consider outreach first

• [REDACTED] 2017-09-29T21:01:03.285Z

Makes sense

• [REDACTED] 2017-09-29T21:06:31.202Z

That all makes sense.

• [REDACTED] 2017-10-02T10:41:41.493Z

Consider the fact that the PHA rate from Chrome has been around ~5% in the past (organically, as an originating package), so that gives reason for caution.

• [REDACTED] 2017-10-02T22:38:24.310Z

We expect no curation in what chrome is doing. User visits suspicious sites, its bound to happen that they encounter PHA. But App Stores ought to be more curated and careful in what they are offering to users. So 5% seems reasonable. But it should be announced.

• [REDACTED] 2017-10-02T22:38:37.616Z

Blog Post about policy?

EXHIBIT A13

EXHIBIT 20

Message

From: [REDACTED]
 Sent: 6/18/2020 6:13:55 PM
 To: [REDACTED]
 Subject: AAAAoaLuCGY-byl4Axy1Ajo

- [REDACTED] 2020-06-18T18:13:55.720Z

creating internal chat

- [REDACTED] 2020-06-18T18:14:02.870Z

still having some challenges with presenting

- [REDACTED] 2020-06-18T18:15:05.989Z

looks like they finally got it up

- [REDACTED] 2020-06-18T18:17:14.646Z

[REDACTED] has reduced their marketing of the [REDACTED] limiting it to only 4 weeks in July. Mostly, due to the current sentiment in the country.

- [REDACTED] 2020-06-18T18:17:58.330Z

We could choose to bolster, though... if we think [REDACTED] would go bigger behind it

- [REDACTED] 2020-06-18T18:18:54.030Z

I'll send you a note with what we've been exploring with them. If [REDACTED] is interested, we should definitely lean in.

- [REDACTED] 2020-06-18T18:20:20.737Z

@Jamie Rosenberg want to ask about personnel move before we move on?

- [REDACTED] 2020-06-18T18:20:52.977Z

Yes, will ask

- [REDACTED] 2020-06-18T18:21:59.640Z

kk

- [REDACTED] 2020-06-18T18:26:16.819Z

We're running late so I'll skip that and we can move into the agenda

- [REDACTED] 2020-06-18T18:26:41.163Z

I can ask David later

- [REDACTED] 2020-06-18T18:26:44.908Z

sg. will try to make up some time on RCS stuff ☺

- [REDACTED] 2020-06-18T18:26:49.703Z

He didn't want thaddeus here

- [REDACTED] 2020-06-18T18:26:50.667Z

we'll see...

- [REDACTED] 2020-06-18T18:29:59.924Z

Hiroshi, on personnel, I heard Fiona Carter, Brand CMO is moving on as well. Will be good to understand if there are any potential changes to the marketing structure.

• [REDACTED] 2020-06-18T18:35:10.493Z

this is mostly about [REDACTED]

• [REDACTED] 2020-06-18T18:35:54.625Z

Adrienne and I have discussed. I personally think it's OK to leave [REDACTED] out of the agreement. Seems like our product team is pushing for this

• [REDACTED] 2020-06-18T18:36:06.330Z

.... but I think we can take some risk on that and manage it operationally

• [REDACTED] 2020-06-18T18:36:19.211Z

yes, agreed.

• [REDACTED] 2020-06-18T18:36:51.120Z

Termination for lack of alignment on roadmap could be an issue though.

• [REDACTED] 2020-06-18T18:42:30.468Z

they always say that, but their actions prove otherwise. the next few slides should highlight why their base of android users are leaving. just poor experience.

• [REDACTED] 2020-06-18T18:51:40.459Z

is Sagar's audio choppy for others?

• [REDACTED] 2020-06-18T18:51:52.076Z

Sounds OK to me

• [REDACTED] 2020-06-18T18:51:58.244Z

ok, good

• [REDACTED] 2020-06-18T18:55:09.736Z

why is this just an issue for [REDACTED]

• [REDACTED] 2020-06-18T18:55:28.961Z

FWIW, iOS -> [REDACTED] is also substantially improved with consolidated restore.

• [REDACTED] 2020-06-18T18:56:10.320Z

I think Jeff's reasons are bs

• [REDACTED] 2020-06-18T18:56:24.787Z

Yes!

• [REDACTED] 2020-06-18T18:58:08.881Z

[REDACTED] solution has revenue generating items - their rev teams prioritize this stuff

• [REDACTED] 2020-06-18T19:09:05.816Z

more revenue generating apps

• [REDACTED] 2020-06-18T19:15:02.618Z

see

• [REDACTED] 2020-06-18T19:15:07.155Z

[REDACTED]

• [REDACTED] 2020-06-18T19:19:27.459Z

sorry, Shanna... trying to get to Stadia. have to quickly tee up 5G. @Kesh Patel @Supriya Gujral can talk to and then over to Stadia

- [REDACTED] 2020-06-18T19:19:45.247Z

@Shanna Preve they've already mentioned Stadia a couple of times... excited about partnering

- [REDACTED] 2020-06-18T19:19:56.909Z

their comment was about Stadia being available beyond Pixel

- [REDACTED] 2020-06-18T19:20:56.819Z

5G may be a quick one. I honestly just want to understand where we can partner. Since [REDACTED], we've floated 3 different programs and hosted a joint meeting with [REDACTED] but we've landed nowhere.

- [REDACTED] 2020-06-18T19:32:26.979Z

Would be great to have some Stadia exclusivity for a while for Android. Any differentiation to [REDACTED] is going to be very helpful ...

- [REDACTED] 2020-06-18T19:32:48.658Z

We've definitely been pushing for it

- [REDACTED] 2020-06-18T19:42:45.544Z

I imagine it must have gotten better once I left

- [REDACTED] 2020-06-18T19:42:55.224Z

What was their feedback on the other issues on experience

- [REDACTED] 2020-06-18T20:08:46.566Z

They agreed to everything on your slides... said it was all brilliant thinking

- [REDACTED] 2020-06-18T20:12:03.989Z

I do think there's a fundamental "disconnect" or different assumption around share challenges so I think we need to zoom out and understand their perspective too. Why does Jeff think the share is what is it, and what does Jeff think we need to do to address.

- [REDACTED] 2020-06-18T20:12:31.694Z

I recognize part of this is just convenient for them to brush off because they have revenue goals etc (per Kesh), but there may be even more to it than that.

- [REDACTED] 2020-06-18T20:12:39.574Z

so we agreed to follow up with those conversations

- [REDACTED] 2020-06-18T20:12:49.417Z

I think it centers around why aren't users coming in asking for [REDACTED]

- [REDACTED] 2020-06-18T20:12:57.887Z

and they're looking for that answer first and foremost

- [REDACTED] 2020-06-18T21:47:55.445Z

i think the best way to do this is like a shopping test

- [REDACTED] 2020-06-18T21:48:03.390Z

can we get 100 people to go to [REDACTED]

- [REDACTED] 2020-06-18T21:48:38.739Z

with a specific situation, and we see what happens

- [REDACTED] 2020-06-18T21:49:00.766Z

i believe a lot of this is how much influence the salesperson in the store has on the purchase decision

- [REDACTED] 2020-06-18T21:49:05.667Z

but i could be wrong

- [REDACTED] 2020-06-18T21:49:31.192Z

y. also we should see what their android retention rates are relative to others. jeff was focused on the 14 day return period, but what about loyalty to android over time. do they under-index there? that could be an experience thing, a promo thing, or a combination

- [REDACTED] 2020-06-18T21:49:41.009Z

for users that have made up their mind in advance thats a different issue, but we can see at least how much influence [REDACTED] has on the decision making

- [REDACTED] 2020-06-18T21:50:04.069Z

when I go into some of these stores and watch people buying a device I see a few things

- [REDACTED] 2020-06-18T21:50:27.410Z

a) salesperson has an iphone which sometimes gets someone that is unsure of which device to buy onto an iphone

- [REDACTED] 2020-06-18T21:50:40.539Z

b) salesperson is more fluent in iphone than android

- [REDACTED] 2020-06-18T21:50:57.251Z

c) demo of iphone in the store is much nicer coz of less preloads, beautiful demo mode, etc

- [REDACTED] 2020-06-18T21:51:19.246Z

d) the apple booth is just nicer/appealing

- [REDACTED] 2020-06-18T21:54:45.084Z

can we sponsor that type of experiment?

- [REDACTED] 2020-06-19T19:15:34.022Z

I agree with Sagar. I will follow up with the training and enablement teams, I believe they have or are doing some of this research. I 100% agree in store is the biggest challenge esp with [REDACTED] it is not an equal playing field e.g reps just push ios, no Android love or support provided by [REDACTED] This combined with poor UX is leading to a [REDACTED] I will ping you offline as I get more insight.

EXHIBIT A14

EXHIBIT 21

Message

From: [REDACTED]
 Sent: 5/18/2020 4:07:08 PM
 To: [REDACTED]
 Subject: AAAApJQc3bA-LFaSwMn_c1Y
 Attachments: Screenshot 2020-05-19 at 17.26.01.png

- [REDACTED] 2020-05-18T16:07:08.984Z

Slide 7 - "How would this impact our business" We don't mention anything about BD/BD ops here. I know this is by design, but do we want to at least highlight there are opportunities to align more closely in the future? Or should we just leave that to the room?

- [REDACTED] 2020-05-18T16:13:44.085Z

Maybe rephrase

- [REDACTED] 2020-05-18T16:13:55.530Z

How would this affect our feature lifecycle?

- [REDACTED] 2020-05-18T16:14:15.818Z

Agreed

- [REDACTED] 2020-05-18T16:14:29.408Z

+ we can also talk to BD about those kind of questions tomorrow

- [REDACTED] 2020-05-18T16:14:53.889Z

(perhaps they'd want to voice over, or even prepare a slide of how they think about their future process changes)

- [REDACTED] 2020-05-18T16:15:05.532Z

yeah, ok, let's wait for them tomorrow

- [REDACTED] 2020-05-18T16:24:32.079Z

we probably need to look at the PPS list and add more people

- [REDACTED] 2020-05-18T16:24:52.439Z

I started doing this with adding a few BD folks who were missing

- [REDACTED] 2020-05-18T16:24:57.111Z

feel free to add more folks

- [REDACTED] 2020-05-18T16:25:16.954Z

besides BD, who do you think?

- [REDACTED] 2020-05-18T16:26:39.238Z

well i added paul f, aurash and greg (wasn't sure if they're on standing invitees)

- [REDACTED] 2020-05-18T16:26:43.983Z

and some BD leads

- [REDACTED] 2020-05-18T16:26:48.904Z

but feel free to add others

- [REDACTED] 2020-05-18T16:32:35.242Z

Hm, we could add Kosuke, but I feel like it's more of an FYI, if we should get 'approved'

- [REDACTED] 2020-05-18T16:35:17.897Z

sure feel free to add as optional

- [REDACTED] 2020-05-18T16:35:25.536Z

i added aaron as optional

- [REDACTED] 2020-05-18T17:40:54.752Z

quick feedback from aurash: "but there is a lot of value we provide to the bottom of the pyramid developer too and we should try to figure out how to quantify that"

- [REDACTED]m 2020-05-18T17:41:14.710Z

he'll try to send more detailed feedback by EOD

- [REDACTED] 2020-05-18T17:44:43.673Z

Hmm... I can add a slide in the feature section about all the good stuff long tail devs get

- [REDACTED] 2020-05-18T17:47:00.138Z

I mean we're already doing that anyway

- [REDACTED] 2020-05-18T17:48:16.835Z

That's basically what measurability is trying to do

- [REDACTED] 2020-05-18T17:49:28.318Z

His mind is set on GMSCore APIs and the value we give all devs through that

- [REDACTED] 2020-05-18T17:50:08.756Z

Perhaps we should just strengthen the message of how while we create those new tiers we will also use this launch to establish the value we deliver for base dev tier

- [REDACTED] 2020-05-18T17:50:27.298Z

(and how this tiered approach and value-based feature anchoring can help with that too)

- [REDACTED] 2020-05-18T18:02:46.907Z

This is a toughie for me. We can't cover the bottom tier in detail, that already exists. That's not the point of the proposal.

- [REDACTED] 2020-05-18T18:03:21.325Z

I think when we launch it, from a marketing standpoint we'd def go big on the bottom tier... So we can touch on that

- [REDACTED] 2020-05-18T18:03:46.612Z

The deck focuses on other tiers atm because they're new

- [REDACTED] 2020-05-18T18:07:47.184Z

yes agreed, let's just mention that so the conversation doesn't derail into "how come we dont cover that"

- [REDACTED] 2020-05-19T10:14:14.789Z

I'm adding a slide around the public tier

https://docs.google.com/presentation/d/1NRFob28qROEGdEh05IQdwM7yTCMx9WY0yAUy8Od-3Ss/edit?hl=en&ts=5ec2bcfe#slide=id.g86eabd92c6_23_0

- <https://drive.google.com/open?id=1NRFob28qROEGdEh05IQdwM7yTCMx9WY0yAUy8Od-3Ss>

- https://docs.google.com/presentation/d/1NRFob28qROEGdEh05IQdwM7yTCMx9WY0yAUy8Od-3Ss/edit?hl=en&ts=5ec2bcfe#slide=id.g86eabd92c6_23_0

- [REDACTED] 2020-05-19T10:14:34.877Z

Using the same format as the other slides for expediency.. but perhaps could be presented another way. We can discuss in our catch up

- [REDACTED] 2020-05-19T10:17:06.603Z

Hey all, I took a swing at who should cover what slides. If anyone feels strongly about taking a piece that I didn't put your name next to, or otherwise want to tweak it, speak up here. I thought maybe @Kobi Glick should do the next steps as a way to wrap up the whole thing? That way Kobi can also capture the key takeaways from the meeting: Introduction and principles of tiering (2-10): Steve How we tier devs and how GP3 works (11-18): Dom Methodology for setting thresholds (19-23): Laura Features - Principles and Public (24-26): Steve Features - Platinum and Partner (27-30): Dom Who Gets What (31-34): Laura Product requirements (35-36): Dom Success metrics (37-38): Steve Next steps (39-40): Kobi Hope that's OK, please lmk!

- [REDACTED] 2020-05-19T10:18:55.570Z

@dom, for the public slide, there's SO much we offer publicly, do you think we could address this more generically? Like, "we still expect our roadmap to justify the 30% charge at the developer tier, including projects like: GMScore APIs, etc etc"

- [REDACTED] 2020-05-19T10:24:32.267Z

yes i do think we can - let me change it a bit

- [REDACTED] 2020-05-19T10:25:21.470Z

may be helpful for kobi to intro too - say that we've been working x-functionally

- [REDACTED] 2020-05-19T10:25:52.835Z

as in just intro the meeting

- [REDACTED] 2020-05-19T10:26:05.934Z

yes, true, @Kobi Glick would you want to take any of the first few slides?

- [REDACTED] 2020-05-19T11:31:36.678Z

I was imagining I'd take 9-13

- [REDACTED] 2020-05-19T11:32:47.317Z

Probably 19-22 or 23

- [REDACTED] 2020-05-19T11:33:28.690Z

might make sense to also take 14 -18 in that case but am easy

- [REDACTED] 2020-05-19T11:34:19.295Z

Am not too wedded to 31-34

- [REDACTED] 2020-05-19T11:51:13.218Z

Shall I keep 14-18 then? Think it would be nice to rotate a bit between the three of us. It can also help keep energy/interest in the slides but i'm flexible so happy for you to drive the ones thatyou want to

- **Updated on**2020-05-19T11:51:18.621Z

Shall I keep 14-18 then? Think it would be nice to rotate a bit between the three of us. It can also help keep energy/interest in the slides but i'm flexible so happy for you to drive the ones that you want to

- [REDACTED] 2020-05-19T11:52:01.626Z

Yeah

- [REDACTED] 2020-05-19T11:55:26.013Z

Steve, I'm happy for you to present this

- [REDACTED] 2020-05-19T12:21:24.603Z

Kobi, we really think you should do the last slide (Next steps). We can put the slide up but by that point there will be a lot of takeaways and AIs and I think you should step in and wrap it up and recap all of those. WDYT?

- [REDACTED] 2020-05-19T12:21:44.353Z

sgtm

- [REDACTED] 2020-05-19T12:22:26.525Z

Happy to present whatever you want me to, but it's important folks see that you three lead this to make sure you get the deserved credit.

- [REDACTED] 2020-05-19T12:28:22.037Z

steve has jotted down who will do what slide kobi - we talked about you teeing us up, jumping in re questions (especially for curveballs/derailing things), and wrapping up

- [REDACTED] 2020-05-19T12:28:40.836Z

steve/laura - forgot to say, if there are specific key points i should get across for my slide that you want to remind me, let me know

- **Updated on** 2020-05-19T12:29:11.246Z

steve/laura - forgot to say, if there are specific key points that i might forget that i should get across for my slide that you want to remind me, let me know

- [REDACTED] 2020-05-19T12:28:47.995Z

will see if i can think of anything on your areas

- [REDACTED] 2020-05-19T12:29:38.497Z

sgtm

- [REDACTED] 2020-05-19T15:56:19.721Z

btw we need a note taker for tomorrow, any ideas? should we just have a notes doc?

- [REDACTED] 2020-05-19T16:05:34.143Z

hmmm, I wonder if we could ask someone from UXR? I'm terrible at taking notes.

- [REDACTED] 2020-05-19T16:05:58.498Z

i am alos terrible

- [REDACTED] 2020-05-19T16:06:01.739Z

i can barely type

- [REDACTED]m 2020-05-19T16:06:09.937Z

"alos" - clearly

- [REDACTED] 2020-05-19T16:22:04.824Z

I can take notes

- [REDACTED] 2020-05-19T16:26:35.193Z

Heres a gradual rollout proposal

- o Screenshot 2020-05-19 at 17.26.01.png

EXHIBIT A15

EXHIBIT 22

Message

From: [REDACTED]
 Sent: 6/5/2020 4:10:41 PM
 To: [REDACTED]
 Subject: AAAAMKagNBw-IUPwDLI0Q8s

• [REDACTED] 2020-06-05T16:10:41.011Z

<https://mobilemodegaming.com/2020/06/05/epic-games-store-coming-to-ios-and-android-soon-confirms-ceo/>
 o <https://mobilemodegaming.com/2020/06/05/epic-games-store-coming-to-ios-and-android-soon-confirms-ceo/>

• [REDACTED] 2020-06-05T16:14:34.333Z

will be interesting to see what type of tactics they use to build up the userbase for the mobile stores

• [REDACTED] 2020-06-05T16:14:57.903Z

on the pc front, think it's been awesome how they've been offering up some high profile free games over the last few weeks

• [REDACTED] 2020-06-05T16:19:45.552Z

this feels like the path to their endgame. of course they have to use GPB here, but wondering how long before they violate policy

• [REDACTED] 2020-06-05T16:20:05.666Z

sweeney said their pc store has boosted sales on other platforms, but provided to data to support it

• [REDACTED] 2020-06-05T16:20:14.159Z

...because of the freebies

• [REDACTED] 2020-06-05T16:22:16.451Z

wonder what their plans are for ios...

• [REDACTED] 2020-06-05T16:25:15.320Z

lets see if ios even allows it

• [REDACTED] 2020-06-05T16:25:22.929Z

;))

• [REDACTED] 2020-06-05T16:40:58.866Z

thanks for sending adam. same questions as everyone else. ☺

• [REDACTED] 2020-06-05T17:41:35.118Z

the Epic Games Android store looks so sad with only Fortnite and Battlebreakers in there for months now.. A Rocket League Mobile might help bring some traffic to it

• [REDACTED] 2020-06-05T17:43:56.070Z

I thought Russian My.Games Android store had a smart approach with announcing 90/10 rev share but only for installs that developers drive to their store via their own advertising:

• [REDACTED] 2020-06-05T17:44:04.146Z

as long as they make it F2P...otherwise will follow the path o other premium games

• [REDACTED] 2020-06-05T17:44:04.961Z

<https://www.gamesindustry.biz/articles/2020-06-04-my-games-offers-90-10-revenue-split-to-devs-that-promote-its-store>

o <https://www.gamesindustry.biz/articles/2020-06-04-my-games-offers-90-10-revenue-split-to-devs-that-promote-its-store>

- [REDACTED] 2020-06-05T17:51:10.905Z

wow.

- [REDACTED] 2020-06-05T17:52:25.182Z

Interesting - if all the devs are marketing the store, they won't have to spend as much money on their own to get in front of users.

EXHIBIT A16

EXHIBIT 23

Message

From: [REDACTED]
 Sent: 5/28/2020 6:49:07 PM
 To: [REDACTED]

• **Eric Chu**, 2020-05-28 11:49:07

Hi Prachi, just want to raise concerns that GPM/YT meeting at Director working level keeps getting moved out while VPs are meeting potentially without context. The meeting scheduled today has been deleted/moved again.

• **Eric Chu**, 2020-05-28 11:49:24

Eunice is keep touch with Paul

• **Prachi Gupta**, 2020-05-28 11:50:08

thanks for the heads up Eric

• **Prachi Gupta**, 2020 05 28 11:50:13

just chatted with John also

• **Prachi Gupta**, 2020-05-28 11:50:31

it is a little weird with Play right now

• **Prachi Gupta**, 2020-05-28 11:50:51

they were meeting with payments at 11..wonder if that was part of it

• **Eric Chu**, 2020-05-28 11:51:33

Yes. It seems that for both the ShopTube project and YT/Play, these PAs are having meetings talking about YouTube without YouTube's presence.

• **Eric Chu**, 2020-05-28 11:52:10

More understandable on ShopTube since Shopping and Payment do need to figure out how they work together even without YouTube.

• **Eric Chu**, 2020-05-28 11:52:24

On Play/YT, it doesn't make sense for those discussions to happen without YT.

• **Prachi Gupta**, 2020-05-28 11:53:21

I hear you..PLAY is being very weird ..first they were not even talking with Payments..now talking to them without us

• **Prachi Gupta**, 2020-05-28 11:53:39

we need to keep communication very tight

• **Prachi Gupta**, 2020-05-28 11:53:59

yesterday night chatted with Kan Liu from gPayments..also introed him to Eunice

• **Prachi Gupta**, 2020-05-28 11:54:09

hoping you are in close touch with Stavan

• **Prachi Gupta**, 2020-05-28 11:54:43

fwiw, scott and neal have our backs..they are asking hard questions from Play..but agree its a complex situation right now

• **Eric Chu**, 2020-05-28 11:54:47

I am but currently, I'm not directly plugged into the Play discussions at any levels. Only behind the scene.

- **Eric Chu**, 2020-05-28 11:56:40

Last comment on this topic is that it is clear this is all about [REDACTED] They could have easily put us in the same category as [REDACTED]. They worry that if they let [REDACTED]

- **Eric Chu**, 2020-05-28 11:57:19

So bottom line is that we're protecting [REDACTED]

- **Prachi Gupta**, 2020-05-28 11:58:18

give me 2 mins (wrapping up GPM velocity)

- **Prachi Gupta**, 2020-05-28 12:04:20

ok back now

- **Eric Chu**, 2020-05-28 12:04:37

I'm here

- **Prachi Gupta**, 2020-05-28 12:04:51

regarding [REDACTED]. i don't see a world where we [REDACTED]

- **Eric Chu**, 2020-05-28 12:05:22

Are you available to chat over VC?

- **Prachi Gupta**, 2020-05-28 12:06:03

re: you not engaged at any level - I agree that we need to have you (and me) to be included in these discussions - fwiw, i feel behind the scenes as well (that is what I mean by "tight communication" is missing

- **Prachi Gupta**, 2020-05-28 12:06:18

go/meet/ep

- **Eric Chu**, 2020-05-28 12:06:44

On the bridge now

EXHIBIT A17

EXHIBIT 24

Message

From: Jim Kolotouros [REDACTED]
Sent: 9/4/2015 3:22:25 AM
To: Ornella Indonie [REDACTED]

- **Jim Kolotouros**, 2015-09-03 20:22:25

do you have a clear idea of what exclusivity on the Default Home Screen means?

- **Ornella Indonie**, 2015-09-03 20:23:44

are you referring to no other search on first screen

- **Jim Kolotouros**, 2015-09-03 20:24:07

that's right.... they can put Bing or other search on the +1 or +2 (because Now is -1) but default home screen is only us.

- **Jim Kolotouros**, 2015-09-03 20:24:32

but I can't ask for that in Europe, which I why I can only ask for our widget to be at the top of the default home screen

- **Ornella Indonie**, 2015-09-03 20:25:11

got it - thanks for clarifyin

- **Jim Kolotouros**, 2015-09-03 20:25:32

no problem. by the way, when I asked Hiroshi where he wants security updates, this is my note from his comment: "Hiroshi wants security upgrades to be a stick; not a carrot. So MADA, not in revenue share."

- **Jim Kolotouros**, 2015-09-03 20:25:43

so I ported the preference to the slide.

- **Jim Kolotouros**, 2015-09-03 20:25:52

but I'm glad we've since deleted it.

- **Jim Kolotouros**, 2015-09-03 20:30:03

did you know that Bang & Olufsen has ~ 700 stores?

- **Ornella Indonie**, 2015-09-03 20:32:06

the stick comment was before meeting today or after

- **Ornella Indonie**, 2015-09-03 20:32:15

Surprised on number of stores

- **Jim Kolotouros**, 2015-09-03 20:33:36

the stick comment was made 2-3 weeks ago

- **Ornella Indonie**, 2015-09-03 20:33:50

ah ok

- **Ornella Indonie**, 2015-09-03 20:33:58

things change fast around here

- **Jim Kolotouros**, 2015-09-03 20:34:26

that's why I was leaning toward a more aggressive stance

- **Ornella Indonie**, 2015-09-03 20:38:45

makes sense

- **Jim Kolotouros**, 2015-09-03 20:39:15

but I'm used to senior execs backtracking and throwing me under the bus; after working for Joan so many years, it's par for the course.

- **Jim Kolotouros**, 2015-09-03 20:39:22

I'm only joking of course.

- **Ornella Indonie**, 2015-09-03 20:40:59



- **Ornella Indonie**, 2015-09-03 20:41:03

Question

- **Ornella Indonie**, 2015-09-03 20:41:39

Can we have a back-up of rev share with key partners (did we have that already on deck from Biz ops. can't recall. If so can we bring to this deck

- **Jim Kolotouros**, 2015-09-03 20:41:53

let me track it down

- **Jim Kolotouros**, 2015-09-03 20:43:25

slide 12

- **Jim Kolotouros**, 2015-09-03 20:43:26

https://docs.google.com/presentation/d/1va-Eh4OWSA1jqBhL4gkvpnsUkg1MUpakBuL9s46un4/edit#slide=id.g18a12b2cf_016

- **Ornella Indonie**, 2015-09-03 20:44:46

thanks a lot

- **Ornella Indonie**, 2015-09-03 20:46:35

this is perfect

- **Ornella Indonie**, 2015-09-03 20:47:06

please validate it is up to date if you get a sec

- **Jim Kolotouros**, 2015-09-03 20:47:20

the numbers are old

- **Jim Kolotouros**, 2015-09-03 20:47:35

i.e., the payouts

- **Jim Kolotouros**, 2015-09-03 20:47:38

but the %s are right

- **Ornella Indonie**, 2015-09-03 20:49:51

do we have 2014 payout to update

- **Jim Kolotouros**, 2015-09-03 20:50:03

I don't.

- **Ornella Indonie**, 2015-09-03 20:50:58

ok

- **Ornella Indonie**, 2015-09-03 20:51:08
on slide 10
- **Ornella Indonie**, 2015-09-03 20:51:18
couple of questions
- **Jim Kolotouros**, 2015-09-03 20:51:35
hit me
- **Ornella Indonie**, 2015-09-03 20:51:44
1) Samsung pay? Are we questioning whether we allow them to keep it?
- **Jim Kolotouros**, 2015-09-03 20:52:15
yup
- **Jim Kolotouros**, 2015-09-03 20:52:22
that's pretty darn important to them.
- **Jim Kolotouros**, 2015-09-03 20:52:29
so your call on whether we let them keep it
- **Ornella Indonie**, 2015-09-03 20:53:05
I never expected them to keep it. If they give up tizen what is their excuse to keep
- **Jim Kolotouros**, 2015-09-03 20:53:41
I can go either way... if you want to delete it from what remains, I'm supportive.
- **Ornella Indonie**, 2015-09-03 20:54:07
I would
- **Ornella Indonie**, 2015-09-03 20:54:13
let them fight it back in
- **Jim Kolotouros**, 2015-09-03 20:54:22
okey dokey
- **Ornella Indonie**, 2015-09-03 20:55:49
2) On second columd
- **Jim Kolotouros**, 2015-09-03 20:56:15
cast on Tizen vs. Android TV?
- **Ornella Indonie**, 2015-09-03 20:56:28
all we are asking is cast on tizen, not android tv?
- **Ornella Indonie**, 2015-09-03 20:56:35
and what about wearables?
- **Jim Kolotouros**, 2015-09-03 20:56:41
again, it's all a question of how aggressive you want to be
- **Jim Kolotouros**, 2015-09-03 20:57:09
we can include Wearables too... that was an oversight
- **Ornella Indonie**, 2015-09-03 20:57:52
all based on how much we are willing to pay

- **Ornella Indonie**, 2015-09-03 20:58:16

also why not do rev share on all devices (Smaller %) rather than on those they hold ID

- **Jim Kolotouros**, 2015-09-03 20:58:28

exactly... the simple logic on this slide is "we'll give you 2X if you clean up your UI; we'll give you 3X if you also align platforms"

- **Jim Kolotouros**, 2015-09-03 20:58:57

there is zero search revenue on wearables. and primarily Play revenue on TV

- **Jim Kolotouros**, 2015-09-03 20:59:14

so the question is whether we also offer Play revenue share (which is already posited as a question)

- **Ornella Indonie**, 2015-09-03 20:59:47

Hiroshi had asked to remove questions and make as proposal instead. so I removed

- **Jim Kolotouros**, 2015-09-03 20:59:53

got it

- **Ornella Indonie**, 2015-09-03 21:00:04

I don't see 3 tiers here. Only see current and 3X

- **Jim Kolotouros**, 2015-09-03 21:00:29

that's because it is positioned as an all or nothing... off-slide you can reference the logic (if you want)

- **Jim Kolotouros**, 2015-09-03 21:00:53

but too many Chinese menus will only slow down the conversation.

- **Jim Kolotouros**, 2015-09-03 21:01:09

so I think we should include our biggest ask and we can back down if Sundar thinks it is too aggressive

- **Ornella Indonie**, 2015-09-03 21:02:00

got it

- **Ornella Indonie**, 2015-09-03 21:02:12

let's include wearables

- **Jim Kolotouros**, 2015-09-03 21:02:15

I concur

- **Ornella Indonie**, 2015-09-03 21:02:34

On TV also think we ask for Android tv

- **Jim Kolotouros**, 2015-09-03 21:02:57

easy to do...

- **Ornella Indonie**, 2015-09-03 21:04:47

Easy for them to shut us down 😊

- **Jim Kolotouros**, 2015-09-03 21:04:59

we have room to backslide.

- **Ornella Indonie**, 2015-09-03 21:04:59

the question is if we think money will get us there

- **Jim Kolotouros**, 2015-09-03 21:05:19

I think we'll find out soon enough; there is zero downside to telling Samsung we're willing to pay a lot more; but you need to do a lot more

- **Ornella Indonie**, 2015-09-03 21:05:24

so on rev share. Should we pay on device with ID or all and adjust %

- **Jim Kolotouros**, 2015-09-03 21:08:19

all

- **Jim Kolotouros**, 2015-09-03 21:08:36

otherwise the economics of the deal are eviscerated.

- **Jim Kolotouros**, 2015-09-03 21:08:48

they need to benefit from their installed base or they need to wait a while for volume to grow

- **Ornella Indonie**, 2015-09-03 21:09:41

agree but deck says something else. reason why I asked

- **Ornella Indonie**, 2015-09-03 21:09:54

It says eligible devices. defined as their ID

- **Jim Kolotouros**, 2015-09-03 21:10:20

the parenthetical says "current and new"

- **Jim Kolotouros**, 2015-09-03 21:10:26

it can say "installed base and new" to be clearer

- **Jim Kolotouros**, 2015-09-03 21:10:42

"eligible" implies non-carrier devices where the Samsung client ID persists

- **Ornella Indonie**, 2015-09-03 21:11:13

that was my question. Should we pay only where they keep ID? (Open market)

- **Jim Kolotouros**, 2015-09-03 21:11:52

ah... that's a different question. we should not pay them for carrier devices; because they we just double pay

- **Jim Kolotouros**, 2015-09-03 21:12:07

BUT this structure motivates Samsung to tell carriers "no, we want to maintain our client ID" since so much money is at stake

- **Jim Kolotouros**, 2015-09-03 21:12:18

Or, it makes Samsung tell carriers "we'll pay you out of our share"

- **Jim Kolotouros**, 2015-09-03 21:12:29

either way, it will compel Samsung to fight for the image and negotiate hard to keep it clean

- **Ornella Indonie**, 2015-09-03 21:13:44

pros and cons to both

- **Ornella Indonie**, 2015-09-03 21:14:16

You could reduce % and pay them on all, so they are motivated in all markets but I see drawback as well

- **Jim Kolotouros**, 2015-09-03 21:14:39

very true... this is my recommendation (vs. asking the question)

- **Ornella Indonie**, 2015-09-03 21:14:48

the notion of 48% sounds very high

- **Ornella Indonie**, 2015-09-03 21:14:53



- **Jim Kolotouros**, 2015-09-03 21:15:15

it is high... it's mean to challenge convention

- **Jim Kolotouros**, 2015-09-03 21:16:20

damn these typos... it's meant to challenge convention

- **Ornella Indonie**, 2015-09-03 21:18:25



- **Ornella Indonie**, 2015-09-03 21:18:38

a number like that leaks to apple and we are dead

- **Jim Kolotouros**, 2015-09-03 21:19:30

we've had numbers like this for a long time... no one knows the Apple number yet

- **Jim Kolotouros**, 2015-09-03 21:19:37

and we'd just deny it.

- **Jim Kolotouros**, 2015-09-03 21:19:41

so don't worry about that.

- **Ornella Indonie**, 2015-09-03 21:20:10

Ok

- **Jim Kolotouros**, 2015-09-03 21:20:34

but we should not broadcast the slides all over the place

- **Ornella Indonie**, 2015-09-03 21:21:41

If we get the ok directionally to move forward. We should analyze both options in depth.

- **Jim Kolotouros**, 2015-09-03 21:22:28

we'll spend weeks on the numbers....

- **Ornella Indonie**, 2015-09-03 21:26:29

at a high level do we think 700M per year will make them do this

- **Jim Kolotouros**, 2015-09-03 21:30:19

oof... that's a big question

- **Jim Kolotouros**, 2015-09-03 21:30:28

and I'm not privy to Sundar's conversations with JY

- **Jim Kolotouros**, 2015-09-03 21:30:33

so it's impossible to say

- **Jim Kolotouros**, 2015-09-03 21:31:04

I think we need to say \$3B over 5 years

- **Ornella Indonie**, 2015-09-03 21:31:17

We need to start making a math of what it is worth to them to give those things up (Pure financially). then we can add emotional part

- **Jim Kolotouros**, 2015-09-03 21:31:48

well, it's not emotional as much as non-financial

- **Jim Kolotouros**, 2015-09-03 21:32:06

the way I've always looked at deals is in terms of i) financial value, and ii) non-financial value

- **Jim Kolotouros**, 2015-09-03 21:32:20

(ii) is much more difficult to quantify because we are looking at network effects, etc.,

- **Ornella Indonie**, 2015-09-03 21:32:27

makes sense

- **Jim Kolotouros**, 2015-09-03 21:32:58

but the question to ask is "if we could get Samsung to totally commit to Google's Android roadmap and UI preference for \$500M per year, would we do it?"

- **Jim Kolotouros**, 2015-09-03 21:33:02

I think the answer is an unambiguous yes

- **Jim Kolotouros**, 2015-09-03 21:33:22

especially when one looks at the state of the Android ecosystem and who is doing well and not well.

- **Jim Kolotouros**, 2015-09-03 21:34:01

we're talking about the world's biggest technology ecosystem. So we need to start thinking in terms of 3 comma, vs 2 comma numbers

- **Ornella Indonie**, 2015-09-03 21:34:02

I think the question is what is it worth to us. Not sure we have quantified that either

- **Ornella Indonie**, 2015-09-03 21:34:29

today and future based on new LTV assumptions

- **Jim Kolotouros**, 2015-09-03 21:35:20

I think LTV assumptions are off, if we're talking about \$2 or \$3 per device

- **Ornella Indonie**, 2015-09-03 21:36:11

agree, this is why I said "new"

- **Jim Kolotouros**, 2015-09-03 21:41:19

is the Intel Inside angle weaved into the Google certified concept?

- **Jim Kolotouros**, 2015-09-03 21:41:41

I see it.

- **Jim Kolotouros**, 2015-09-03 21:41:43

thanks.

- **Ornella Indonie**, 2015-09-03 21:46:20

yes

- **Ornella Indonie**, 2015-09-03 22:14:47

If you are still online, Hiroshi wants pros and cons if doable for each recommendation

- **Ornella Indonie**, 2015-09-03 22:14:56

can you help on the tiered incentives

- **Jim Kolotouros**, 2015-09-03 22:16:24

hello

- **Ornella Indonie**, 2015-09-03 22:23:31

nanda had created a different template which I am copying

- **Ornella Indonie**, 2015-09-03 22:24:15

are you suggesting not adding pros and cons slides?

- **Jim Kolotouros**, 2015-09-03 22:24:48

it's not my call. it just stops the conversation mid-stream and forces a "okay, let's go through pros and cons"

- **Jim Kolotouros**, 2015-09-03 22:24:56

but Hiroshi knows Sundar's style more than me.

- **Ornella Indonie**, 2015-09-03 22:29:02

He said to include and depending on what is in it he may move ot back-up

- **Jim Kolotouros**, 2015-09-03 22:29:17

no problem

- **Ornella Indonie**, 2015-09-03 22:29:24

please also help with the others if you can. so sorry for late evening work 😊

- **Jim Kolotouros**, 2015-09-03 22:29:37

no problem

- **Ornella Indonie**, 2015-09-03 22:32:12

what do you mean by Higher TAC might not be worth what Google gets in return?

- **Jim Kolotouros**, 2015-09-03 22:34:43

we might pay alot more \$\$ and get nothing in return... i.e., clean UI might have zero value and/or security updates don't do anything.

- **Jim Kolotouros**, 2015-09-03 22:35:32

the message is we don't want to pay something for nothing

- **Ornella Indonie**, 2015-09-03 22:35:35

got it. Thought that was the second bullet

- **Jim Kolotouros**, 2015-09-03 22:36:25

they are two slightly different points

- **Jim Kolotouros**, 2015-09-03 22:36:32

one can be a subpoint of another

- **Ornella Indonie**, 2015-09-03 22:36:58

just reversed the order. it works thanks

- **Jim Kolotouros**, 2015-09-03 22:41:40

this is way more than 3 hours

- **Ornella Indonie**, 2015-09-03 22:42:30

I think we will only get to android premium and probably not all. The pros and cons will most likely move to back-up

- **Ornella Indonie**, 2015-09-03 22:42:40

Andromeda and nexus will not be covered

- **Jim Kolotouros**, 2015-09-03 22:43:08

andromeda is rounding... Nexus should be covered for sure. Andromeda can wait

EXHIBIT A18

EXHIBIT 25

Message

From: Reena Singhal Lee [REDACTED]
To: [REDACTED]

me: i guess i'm just trying to figure out what our options are

me: eh, it's not really worth it

Reena: regardless i'll take a look

Reena: sure i can take a look -- is it worth getting the cupcake versions running on donut though if we know the donut versions work on donut?

me: I can see what Eric and David think about doing a blog post about Market ahead of FRC

me: can you help with those?

me: 2.) inventory the issues w/ running Cupcake versions on Donut

Reena: Receiver: java.lang.ClassNotFoundException: com.google.android.location.BootCompletedReceiver in loader dalvik.system.PathClassLoader@4370adc8

me: 1.) inventory the user-visible changes between cupcake and donut

Reena: oops sorry not that

me: ok, so lets do this:

Reena: initial error is: I just got a message from Qualcomm earlier today, they said due to no new public push of Donut since May 21. They decided to postpone their scheduled new BSP release.

me: they are left w/ nothing

me: if the cupcake versions don't run, and they can't get the donut versions

me: yeah, we just look like idiots

Reena: yeah... its hard to justify to partners

me: anywho

me: drives me bonkers

me: i mean honestly -- we built a developer platform and then broke every rule in the book

EXHIBIT A19

EXHIBIT 30

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November 11, 2021

VIA E-MAIL

Lauren A. Moskowitz
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019-7475

Re: *In re Google Play Store Antitrust Litig.*, No. 3:21-md-02981-JD (N.D. Cal.);
Epic Games, Inc. v. Google LLC, No. 3:20-cv-05671-JD (N.D. Cal.);
In re Google Play Consumer Antitrust Litig., No. 3:20-cv-05761-JD (N.D. Cal.);
In re Google Play Developer Antitrust Litig., No. 3:20-cv-05792-JD (N.D. Cal.);
State of Utah, et al. v. Google LLC et al., No. 3:21-cv-05227-JD (N.D. Cal.)

Dear Lauren:

We write in response to your letter of October 29 regarding outstanding discovery issues.

Native PowerPoint Files

Google reimaged PowerPoint files as color JPEGs and reproduced those files to Plaintiffs on November 1, 2021 in production volume PROD048. To the extent Plaintiffs determine that any of the PowerPoint files reproduced as color JPEGs are still not legible, Google agrees to Plaintiffs' protocol set forth in your letter of October 29, 2021 with one modification to provision (iv). As discussed on our prior meet and confers, given the potential volume, system processing time, and quality control measures that will be required to complete each request, Google is unable to commit to providing Plaintiffs with a reproduction of files in native format within forty-eight hours. Thus, Google proposes the following modification to provision (iv):

(iv) Google will use best efforts to provide Plaintiffs with a reproduction of the file(s) in native .pptx format within ~~forty-eight (48)~~ **seventy-two (72)** hours of the request, subject to reasonable extensions based on the timing or the number of requests.

Metadata

We are looking into Plaintiffs' inquiry regarding Google's production of certain metadata fields and will follow up with additional information in due course.

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Search Query No. 95

Google agrees to add the following terms to Search Query No. 95:

(Marmot w/25 (app or apps or application*)) OR "Project Cake" OR "Project Robinson" OR "Project Pacific"

We understand that Plaintiffs are now requesting that Google add "Starburst", "Clover", and "Lion Force" as terms to Search Query No. 95. The query already includes "Project Starburst", so Google objects to Plaintiffs' duplicative request to add "Starburst". With respect to "Clover" and "Lion Force", Google requests that Plaintiffs explain the basis for their request to add each of these terms.

Text Messages

As Google has explained multiple times on several occasions, the vast majority of Google's custodians do not use text messages to conduct business. For that reason, it is not surprising that there are relatively few text messages in Google's production. Google is diligently evaluating whether its custodians possess responsive text messages that should be collected and produced. We provided an example of such a responsive text message in Google's production in our November 3, 2021 correspondence. Moreover, as we also explained previously, the mere fact that an individual refers to a "text" does not necessarily mean the use of an SMS text message, and can refer to other means of communication, including an email. Moreover, Plaintiffs' examples in its October 29 letter do not suggest that responsive text messages should exist in Google's production. The dates of both examples identified pre-date the filing of the complaint in this litigation; thus, even if those emails did actually refer to SMS text messages, the fact that they were no longer available after the filing of this lawsuit is entirely expected and does not support Plaintiffs' implication that Google's collection of text message is somehow incomplete.

Instant Messages / Chats

Plaintiffs' contention that if they had known that there was a "24-hour purge policy for instant messages when the parties initially negotiated the collection periods for Google custodians", they would have requested collection of instant messages for all custodians for the entire refresh period is nonsensical. Negotiations relating to refresh collections were based on individuals' roles and relevant responsibilities and should not be affected by Google's usual course of business retention policy. Google's obligation to preserve is independent of those negotiations and there is no reason to change the Parties' agreement as to which custodians require a refresh production.

Plaintiffs have made no showing that Google's production of instant messages and chats is incomplete or deficient aside from baseless assumptions. The examples Plaintiffs identify in their October 29 letter to purport to show that there are "responsive chats throughout 2020 and 2021" are actually emails dated between January 2020 and July 2020, which pre-date the filing of the earliest complaint and fall within the period when the ordinary course 24-hour retention policy period was in place. As we previously stated, to the extent Plaintiffs identify any information that suggests that instant messages or chat messages for the refresh custodians are incomplete, we will further investigate. However, to date, Plaintiffs have not done so, and Google continues to believe that its productions of responsive chats and instant messages are comprehensive.

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In the interest of closing out this issue, Google provides the following information in response to Plaintiffs' request for information relating to Google's preservation of chats and instant messages:

- i. Google's current chat retention policy is attached as Exhibit A to this letter.
- ii. Google provided litigation hold notices to the vast majority of custodians on September 11, 2020. To the extent any custodians were not initially identified as having relevant information, hold notices were issued immediately upon notice of their relevance.
- iii. With respect to the technological processes required to be taken by individuals to preserve chats or instant messages following their receipt of litigation holds, Google responds that the technological settings on Google's chat retention policy (see Exhibit A) did not change, as Google does not have the ability to change default settings for individual custodians with respect to the chat history setting. See Exhibit B, Google Workspace Admin Help page re: chat history. Specifically:
 1. Google's default settings for chat history for the entire organization is set to off;
 2. Google employees need to apply the "history on" setting on a chat-by-chat basis; and
 3. Settings for chat history are set by each individual custodian.
- iv. To the extent the question asks for information that is covered by attorney-client privilege and work product, we decline to answer. However, without divulging the content of attorney-client communications, Google states that it actively manages its litigation hold, including regular reminders to custodians about their preservation obligations.
- v. Google generally encourages Google employees to use Google corporate services for chat and other communications. The use of third-party chat platforms is strongly discouraged. However, to the extent any such platforms have been used for business purposes and contain messages relevant to this litigation and are within the possession, custody and control of Google, such messages are subject to the litigation hold and Google will produce relevant messages from those third-party chat platforms.

Organizational Charts

We are preparing a production of reporting information from the Teams tool for all agreed upon custodians as of October 18, 2021. We will produce this information in the near term and will identify responsive documents by Bates number.

House Judiciary Committee ("HJC") Productions

Google produced the remaining 31 documents from the HJC production that were tied up in the NDA notice process on October 28, 2021 in production volumes PROD046A and PROD046B.

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Contracts

As an initial matter, Google confirmed during the October 26, 2021 meet and confer that it would likely produce all of the “relevant” agreements between [REDACTED], because the individuals who were principally responsible for negotiating the [REDACTED] are custodians in either the MDL or in the CID. Given that Google offered to re-review and produce communications relating to [REDACTED] agreements that were collected during discovery in the MDL, and given that the CID materials were being produced without a relevance review, we continue to believe that our offer should be sufficient. Google agrees that Plaintiffs reserve their rights to request additional relevant contracts or custodians responsible for negotiating agreements between [REDACTED]. Google also reserves rights to object to such requests to the extent Google does not believe such agreements or custodians are relevant to the claims in this litigation.

Agreement

Google has produced this agreement. See GOOG-PLAY-007335679 - GOOG-PLAY-007335696.

Individual Contracts with App Developers

Play Pass and Play Points Agreements. As previously noted, Google produced several exemplar Play Points agreements in Production Vol. 35. Exemplar Play Pass / NBO agreements were included in Production Vol. 41. This completes Google’s production of these agreements.

Updates Concerning Developer Deal Program Agreements. Plaintiffs request an update on the status of the production of agreements with developers participating in (1) the Games Velocity Program, (2) the App Velocity Program, (3) the Living Room Accelerator Program, (4) the Audio Accelerator Program, and (5) Subscribe with Google, and reiterate the request “that Google identify the Bates numbers of all final, signed versions of any agreements relating these five programs.” As discussed during the October 26, 2021 meet and confer, and again during the November 4, 2021 meet and confer, we are presently working to ensure we have identified all relevant agreements through a reasonable search, providing notice to additional third parties, and collecting additional agreements for production. Based on the information available at this time, Google provides below an update for each deal program. As for the identification of agreements by Bates number, as discussed during the October 26, 2021 meet and confer, identifying all deal program agreements by Bates number is an exercise Plaintiffs can perform just as easily as Google, as Plaintiffs have the deal program names and can search the production with those terms. That said, in an effort to assist Plaintiffs in the identification of the relevant agreements, Google has identified sample agreements by Bates number, which should enable Plaintiffs to readily ascertain additional agreements from each program.

Hug/Games Velocity Program Agreements. As stated during the October 26, 2021 meet and confer, Google anticipated the additional Games Velocity Program agreements would be produced the following week. Google confirms that those agreements were included in Production Volume 49. This completes Google’s production of these agreements. Games Velocity Program agreements were included in Production Vols. 31 and 49. Examples of Games Velocity Program agreements and related addenda include GOOG-PLAY-007273051; GOOG-PLAY-007273234; GOOG-PLAY-007273255; GOOG-PLAY-007273839; GOOG-PLAY-007335462; GOOG-PLAY-007273439.

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Apps Velocity Program. Google has identified previously unproduced Apps Velocity Program agreements with two developers. Notice will be provided to the developers and we anticipate that the agreements will be produced by the end of the month. No AVP agreements have been produced.

Audio Accelerator Program (ADAP). Google has identified previously unproduced ADAP agreements with three developers. Notice will be provided to these developers and we anticipate that the agreements will be produced by the end of the month. ADAP agreements were included in Production Vol. 31. Examples of produced ADAP agreements include GOOG-PLAY-007317084; GOOG-PLAY-007272061; GOOG-PLAY-007272068.

Living Room Accelerator Program (LRAP). Google has identified previously unproduced LRAP agreements with seventeen developers. Agreements with five of those developers were included in Production Vol. 49. Google is continuing to work through notice issues with the remaining twelve, though we expect all of the remaining agreements will be produced by the end of the month. LRAP agreements were included in Production Vols. 31, 35 and 49. Examples of produced LRAP agreements include GOOG-PLAY-007272399; GOOG-PLAY-007272002; GOOG-PLAY-007272857; GOOG-PLAY-007272245; GOOG-PLAY-007273263; GOOG-PLAY-007274202.

Subscribe with Google. To date, Google has produced Subscribe with Google agreements with more than a hundred developers. Those agreements were included in Production Vols. 31, 35, and 49. Examples of produced Subscribe with Google agreements include GOOG-PLAY-007272335; GOOG-PLAY-007335327; GOOG-PLAY-007272640. While Google has located Subscribe with Google agreements with roughly 30 additional developers, Google has faced difficulty providing notice to some of these partners. Rather than go through the time-consuming process of giving notice to each of these developers, Google has attached here as Exhibit C a list of Subscribe with Google developers for whom an agreement has not yet been produced. To the extent Plaintiffs would like Google to produce any particular agreements from this list, up to a reasonable number, Google will agree to attempt to notify the developer and produce the agreement.

NDAs

Plaintiffs continue to ask Google to undertake a search for NDAs, but fail to address Google's objection to this request as irrelevant and unproportional to the case in light of the fact that relevant substantive communications made pursuant to any NDA would be produced--and have been, as evidenced by Plaintiffs own example of an email referencing a [REDACTED] NDA. Nor do Plaintiffs explain what an NDA "concern[ing] issues related to this litigation" even looks like or identify any documents demonstrating that such NDAs might exist. See 2021.10.08 H. Nam Letter to B. Rocca. For example, is the "Confidentiality" clause contained in many of the agreements Google has produced a "NDA" by Plaintiffs definition? If so, then Plaintiffs already have access to NDAs "concern[ing] issues related to this litigation," in MADAs for instance.

In Plaintiffs' October 29, 2021 letter, Plaintiffs cite RFPs to which NDAs would be responsive, as they had not previously even attempted to do so. These requests do not support Plaintiffs position. RFP No. 1 requests all agreements between Google, on the one hand, and OEMs and wireless carriers, on the other. But in response to that request Google only agreed to produce MADAs and RSAs for certain OEMs and wireless carriers, which it has done, and more, subject to the parties' subsequent meet and confer negotiations. RFP No. 32 seeks agreements between

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Google and developers deviating from exemplars of agreements developers must enter into as called for in RFP No. 31. Google has produced agreements with developers that modify the terms of the standard DDA. And RFP No. 37 seeks agreements with developers that operate other app marketplaces or software stores, and Google agreed to produce exemplars of DDAs, terms of service, and Android SDK License Agreements. None of these RFPs necessarily seek either directly or indirectly NDAs. That said, to the extent Plaintiffs identify any particular documents from the custodial productions that refer to the existence of an NDA between Google and OEM, developer, or carrier directly relevant to the issues in the case, Google is willing to consider a particularized request to search for the underlying NDA.

Revenue Share Agreements

As noted in Plaintiffs' October 29, 2021 letter, Plaintiffs agreed to Google's offer to search centralized repositories for RSAs with non-OEMs and non-wireless carriers for revenue share agreements relating to Google Play and Google Play Billing. Plaintiffs ask for an update on the production of additional agreements, but as Google represented in its August 13, 2021 letter, Google conducted that search and was unable to locate any revenue share agreements related to Google Play and Google Play Billing other than those with OEMs and carriers. As Google explained in its October 18, 2021 letter, Google is searching for and producing revenue share agreements relevant to the cases—that is, revenue share agreements with app store or installer preinstallation restrictions. Those revenue share agreements with such restrictions are found between Google and OEMs and wireless carriers, which Google has produced pursuant to the parties' various agreements through the meet and confer process.

Contracts with OEMs

Plaintiffs request a list of OEMs for whom Google has produced agreements to date, in order to enable Plaintiffs to determine what agreements Google has produced for each OEM. While Google believes Plaintiffs are able to find all relevant agreements by searching for agreement types, Google has attached as Exhibit D the requested list of OEMs.

Contracts with Larger OEMs. Plaintiffs contend that "for some of the larger OEMs, Plaintiffs have received only certain types of agreements or amendments to agreements without the underlying agreement" for a number of OEMs. As an initial matter, Google believes it has collected and produced all available contracts, per the parties' agreements, for each of the larger OEMs. That said, the one example cited by Plaintiffs is Alcatel, for whom Plaintiffs state they have received MADA amendments without receiving the underlying MADAs themselves. Based on the documents cited in Plaintiffs' letter, it appears Plaintiffs are aware that the signing party for [REDACTED] agreements is [REDACTED]. At least one MADA has been produced for [REDACTED]. See GOOG-PLAY-000617393.

Contracts Smaller OEMs. Plaintiffs ask Google to confirm that the agreements listed in Exhibit A to Google's September 17, 2021 letter represent all agreements with the subset of smaller OEMs that Plaintiffs identified. Based on a reasonable search, Google can confirm that the agreements produced for the smaller OEMs constitute all of the relevant agreements identified for those OEMs.

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Wireless Carrier Agreements

Plaintiffs contend that they are unable to locate revenue share agreements and direct carrier billing agreements for the top four U.S. carriers in Google's production. Google believes, as it has previously represented, that these agreements have already been produced and the production of U.S. carrier agreements is complete. While Plaintiffs do not specify which agreements they believe they do not have, to assist Plaintiffs with identifying the relevant carrier agreements, Google provides the following examples by Bates number:

(1) [REDACTED] (GOOG-PLAY-003604531; GOOG-PLAY-003604606; GOOG-PLAY-001507837);

(2) [REDACTED] (GOOG-PLAY-003604546; GOOG-PLAY-003604937; GOOG-PLAY-001507921);

(3) [REDACTED] (GOOG-PLAY-003604627; GOOG-PLAY-003604732; GOOG-PLAY-003604574 GOOG-PLAY-001507814); and

(4) [REDACTED] (GOOG-PLAY-3604808; GOOG-PLAY-003604862).

Chrome Web Store Agreements

Google produced the current version of the chrome web store agreement, GOOG-PLAY-007274442, as well as historical versions of that agreement, *see, e.g.* GOOG-PLAY-007274481 and GOOG-PLAY007274462

App Store Reports

Plaintiffs asked in their October 6, 2021 letter that Google produce all "App Store Reports," as found at GOOG-PLAY-001167043. Based on a reasonable investigation, the App Store Reports document Plaintiffs identified contains not only the final App Store Report for March 2018, but all prior iterations of the App Store Report, dating back to the first report covering November 2017.

* * *

We are available to discuss these issues at the next scheduled meet and confer.

Sincerely,



Brian C. Rocca

cc: Yonatan Even (YEven@cravath.com)
Justin C. Clarke (jclarke@cravath.com)
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EXHIBIT A

Google Chat Retention Policy

Policy Last modified: November 18, 2020

Page last modified: February 26, 2021

Our Google Chat retention policy aims to reduce redundant, obsolete, and trivial information in corporate chats. By helping us all focus on our most meaningful and useful messages, we can reduce time spent sifting through irrelevant old messages and reduce storage costs.

Retention Periods

- **24 hours** if history is off
- **30 days** for history-on chats with just one other person
- Currently **18 months** for history-on chats in a group conversation or flat (non-threaded) room
 - Exception: 30 days if the history-on flat room was created from within classic Hangouts before 11/18/20
 - **Please be aware:** You may have noticed that your group chats created in classic Hangouts are also reflected as flat rooms in Google Chat (and vice versa). Historically, both had a retention period of 30 days. The current 18-month retention of flat rooms is a technical interim step and will be brought back to the initial **30 days** earliest H1 2021 (we'll be sure to announce when this is happening!). If you need 18-month-long retention, please consider a threaded room instead.
- **18 months** for chats in a threaded room (history is always on and can't be turned off)

NOTE: Turning history "on" or "off" applies only to messages sent after that change. For example, if you send or receive messages while history is "off" and then you turn it "on," the pre-existing messages will only be retained for 24 hours.

NOTE: Once a chat's retention period expires and it's removed from your view, it can't be recovered back into your view.

Business Records

If your role involves data that is potentially subject to different or longer retention periods (for example, private user data or tax records), consider taking information like this off of Chat into Gmail ([Gmail Retention Policy](#)), Google Docs, or another storage system. If you aren't sure whether the data you're handling should be stored outside of Chat for a different retention period, reach out to your manager or product counsel ([go/whichlawyer](#)).

Otherwise, feel free to reach out to us at records-retention@google.com for more general data retention questions.

Legal Holds

If you've been notified that you're subject to a "legal hold", to comply with our preservation obligations, your Google Chats described below will be preserved automatically (all retention periods are paused) while the relevant matter is pending. Still, don't manually delete any chats relevant to the matter at issue under any circumstances.

- On-the-record 1:1s, Group DMs, and Flat Rooms you've sent or received
- Threaded Rooms conversations in which you've participated (i.e., sent a message, not just received)

Once all applicable legal holds have been lifted, the retention periods will take effect again and remove expired messages.

Policy Scope

This policy applies to corporate Google Chat only. It applies to all employees and our extended workforce (temporary workers/vendors/contractors) across Alphabet (minus Calico and Sidewalk Labs).

Approvals & Changes

This policy periodically will be reviewed by Google Legal to ensure alignment and compliance with our legal and regulatory obligations. Any changes to this retention policy will be approved by Google Legal.

Questions/Feedback

If you have any questions about this policy, you can send us an email at records-retention@google.com.

Chat Retention FAQs

EXHIBIT B

Turn chat history on or off for users

As an administrator, you can control whether to keep chat history for users in your organization. You can set the default and also let users change their history setting for each conversation.

The chat history settings for Google Chat and classic Hangouts are combined in the Google Admin console. There's now one setting to control chat history for your organization. [Learn more](#)

1. Your current account, maryfer.mendoza@morganlewis.com, doesn't have permission to perform these steps. To continue, switch to a *super administrator account*. This will open the Google Admin console.

[Switch to super administrator account \(signs you out\)](#) or [Learn more](#).

2. From the Admin console Home page, go to **Apps > Google Workspace > Google Chat and classic Hangouts**.
3. Click **History for chats**.
4. Under **Organizational Units**, select the domain or organizational unit you want to apply settings to.
5. Turn history **On** or **Off**.
 - If you turn history **On**, you can [use Vault to control how long messages are retained](#) . Messages will disappear after the Vault retention period (if you set one).
 - If you turn history **Off**, messages are deleted after 24 hours. [Vault](#) can't hold, retain, or search direct messages that are sent with history turned off.

Turning history off does not hide content from scans to detect sensitive data or abuse. See "History details" below for more information.

6. To let users change their history setting, check **Allow users to change their history setting**.

Note: If your organization uses both Chat and classic Hangouts, and you don't allow users to change their history setting, there may be times users can't join or stay in a Chat space. To learn more, visit [Set a space history option for users](#) .

7. Click **Save**.

History details

- Chat history settings apply to direct messages and group messages. If your organization has both Chat and classic Hangouts (that is, your chat setting is "Chat preferred" or "Chat and classic Hangouts"), then **Allow users to change their history setting** also applies to unthreaded spaces. History is always on in spaces with threaded conversations and can never be changed.
- History changes apply only to new messages. For example, If you turn chat history on, only new messages will be saved. If you turn chat history off, old messages that were previously saved are still saved.
- If history is forced on, people in different data regions can't chat. (History is forced on if **History for chats** is **On** and **Allow users to change their history setting** is not selected.) If you allow users to

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change their history setting, history will automatically be turned off when people from different data regions chat.

- When history is off, data is not reported in the Audit report for direct messages except when messages are associated with [Data Loss Prevention](#) (DLP) incidents. (Chat DLP is now in beta.) Chat DLP incidents are logged in the Audit report for all messages, including those sent with history off. The DLP incident log points to the message, and admins can view the message until it's deleted in 24 hours. After that point, the incident log remains with a record that the message was deleted.
- When history is off, a message with external participants may be preserved longer than 24 hours if a user flags it for abuse or the message is [reported to Google](#) for spam, phishing, or malware.

Even if chat history is turned off, it's possible that a separate copy of the conversation can be saved. For example, the message might be forwarded to Gmail or saved using a 3rd-party client.

Related topics

- [Set a space history option for users](#)
- [History settings and classic Hangouts](#)

Need more help?

Try these next steps:

Ask the Help Community

Get answers from community experts

Contact us

Tell us more and we'll help you get there

EXHIBIT C

EXHIBIT D

[REDACTED]
[REDACTED]

EXHIBIT A20

EXHIBIT 31

Message

From: Mike Herring [REDACTED]
Sent: 8/28/2020 3:45:01 AM
To: Christian Cramer [REDACTED]

• **Mike Herring**, 2020-08-27 20:45:01

Have you been hearing any concerns from our business partners on the accounting for or structure of the Hug deals or other xPA arrangements?

• **Christian Cramer**, 2020-08-27 21:32:22

not recently

• **Christian Cramer**, 2020-08-27 21:33:21

I expect that it is a topic lingering in Sameer's mind for ABK - but he has not talked to me about it

• **Mike Herring**, 2020-08-27 21:34:17

Yes that was frustrating, but with the process and the late change, not the deal itself, or was it both?

• **Christian Cramer**, 2020-08-27 21:35:10

I would say both - the deal is incredibly expensive for Play

• **Mike Herring**, 2020-08-27 21:35:59

interesting, ok thanks

• **Christian Cramer**, 2020-08-27 21:40:33

ABK cost \$42M in Q2 alone [REDACTED] see earnings prep

• **Christian Cramer**, 2020-08-27 21:40:37

https://docs.google.com/document/d/17MaVQV2HRhd_cL7nlEccTDwidTSamX5-3gIpwjIjGBo/edit?ts=5f072c2a

• **Christian Cramer**, 2020-08-27 21:41:11

I can get you all the detail for 2020 if helpful

• **Mike Herring**, 2020-08-27 21:42:23

it is a revenue deferral from the cloud deal or transfer to YT?

• **Mike Herring**, 2020-08-27 21:42:56

sorry to bug at night, not urgent, just preparing for a xPA discussion

• **Mike Herring**, 2020-08-27 21:43:06

i am home alone so catching up

• **Christian Cramer**, 2020-08-27 21:43:07

a lot comes from the fact that the accounting pushes a lot of the YT cost to Play

• **Christian Cramer**, 2020-08-27 21:43:22

let me see if I have something good ready

• **Christian Cramer**, 2020-08-27 21:47:18

in this chart you can see where the \$\$ come from to Play

- **Christian Cramer**, 2020-08-27 21:47:18

https://docs.google.com/presentation/d/1zVbM_OAfoU_GUUCvKratMQ9_jX32sEsuQ1MnUbj7fPA/edit?ts=5eea4556#slide=id.g86eb45f099_25_8

- **Christian Cramer**, 2020-08-27 21:48:44

...but this is the number from BC and has gone up significantly instead of \$80M it will be >>\$100M

- **Christian Cramer**, 2020-08-27 21:49:03

...but do not have the exact number in front of me at the moment

- **Christian Cramer**, 2020-08-27 21:49:52

when is your meeting - I can ask Cyrous to send you something if not first thing in the morning

- **Mike Herring**, 2020-08-27 21:51:12

like i said not urgent but i would like to have the current numbers in front of me, next week some time. this is very helpful in the interim

- **Christian Cramer**, 2020-08-27 21:53:33

ok - will get back

- **Mike Herring**, 2020-08-27 21:58:17

Thanks Christian, have a good night

- **Christian Cramer**, 2020-08-27 21:59:49

you too - we are still working on the deck for Hiroshi - Devin and Sunny are both on the East coast and will therefore start early - we should have it done by 9:00 - sorry for being so late with it....overall we have a very meaty agenda for 30 min

- **Mike Herring**, 2020-08-27 22:36:04

yes, thank you, I'll be up early too

EXHIBIT A21

EXHIBIT 32

Message

From: [REDACTED]
Sent: 8/15/2020 1:39:48 AM
To: [REDACTED]
Subject: AAAAkjWzDH8-KkjeNbt4PPw

• [REDACTED] 2020-08-15T01:39:48.789Z

Greg, you asked this question in the Tian leads about how often do we disable vs. warn on users devices and it is about [REDACTED] <https://screenshot.googleplex.com/oKhaXfuPkzB>. In terms of magnitude we do about [REDACTED] disables and [REDACTED] warnings depending on the day and actual removals are like half a million. This is what we trigger actual user actions on these varies.

o <https://screenshot.googleplex.com/oKhaXfuPkzB>

• [REDACTED] 2020-08-15T01:41:00.818Z

Ah that's pretty impressive, the volume per day is damn astonishing!

• [REDACTED] 2020-08-15T01:41:10.262Z

Thanks for digging this up.

• [REDACTED] 2020-08-15T01:41:43.903Z

I think what nags me is, we have a system where I can sign a dda, build up my audience, then get taken down and still run a massive business.

• [REDACTED] 2020-08-15T01:42:19.756Z

Of course we wouldn't call those apps malware

• [REDACTED] 2020-08-15T01:42:21.440Z

We have always had a very powerful dev friendly bias in all our policies

• [REDACTED] 2020-08-15T01:42:53.256Z

Did the same thing happen to apple where they toggled their billing server side?

• [REDACTED] 2020-08-15T01:44:10.189Z

Apple can ban app execution for sure (old colleagues of mine built their security story at the soc level). I'm not clear how often they leverage that though, and it doesn't appear to be the case with fortnite. In part, you want to encourage the dev to make a fix and come back

EXHIBIT A22

EXHIBIT 33

Message

From: [REDACTED]
 Sent: 1/21/2021 6:33:31 PM
 To: [REDACTED]
 Subject: AAAATEh6aUk-qJk1ffGlrUs

- [REDACTED] 2021-01-21T12:33:31.515-06:00

<https://www.cnn.com/2021/01/21/samsung-galaxy-s21-review-high-end-version-is-gorgeous.html>

- <https://www.cnn.com/2021/01/21/samsung-galaxy-s21-review-high-end-version-is-gorgeous.html>

- [REDACTED] 2021-01-21T12:33:46.904-06:00

hope this is not the title for our Pixel phone later

- [REDACTED] 2021-01-21T12:37:46.042-06:00

the s21 ultra manages to squeeze in 10x folded optics, i wonder how their thickness compares to our visor?

- [REDACTED] 2021-01-21T12:46:26.532-06:00

The s20 ultra was pretty thick but from what we saw on GVC, our visor looks fairly big too

- [REDACTED] 2021-01-21T13:37:04.868-06:00

"Samsung's new phones won't convert any iPhone fans" because "there's nothing in either of these phones that will convert iPhone users".

- [REDACTED] 2021-01-21T13:37:19.916-06:00

This line of reasoning seems a little dubious

- [REDACTED] 2021-01-21T13:47:50.861-06:00

Right now I would settle for holding on to all the current android users.

- [REDACTED] 2021-01-21T13:48:17.782-06:00

but I agree that the statement is dubious Andrei. I think the larger point perhaps is the bar to switch people is really high

- [REDACTED] 2021-01-21T15:17:09.853-06:00

This quote from the verge is more on point(s):

- [REDACTED] 2021-01-21T15:17:15.086-06:00

"The biggest reality check is the software, which suffers from Samsung's heavy-handed attempts to build its own ecosystem and further monetize an already expensive phone. I doubt that the Samsung Galaxy S21 Ultra will convince many iPhone users to switch — the ecosystem lock-in on iOS is too strong for that and getting the most out of Samsung's version of Android is daunting."

- [REDACTED] 2021-01-21T15:18:11.707-06:00

and

- [REDACTED] 2021-01-21T15:18:14.851-06:00

"Then there's texting. In the US, Samsung ships these phones with Samsung Messages by default, whereas everybody else in the world gets Android Messages and therefore RCS. Some US carriers support RCS on Samsung Messages, but badly. AT&T's version of RCS doesn't interoperate with other carriers yet, for example. I know Samsung isn't to blame for RCS's problems, but as the biggest Android seller in the US, you'd like to think the company would try to fix this.

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But if you know your way around Android, you can make the S21 Ultra a really amazing and powerful phone. Dodge or disable all those ads and install all the non-Samsung versions of software, and it's a powerful and sometimes elegant experience."

- [REDACTED] 2021-01-21T15:18:18.782-06:00

it goes on an on...

EXHIBIT A23

EXHIBIT 34

Message

From: [REDACTED]
Sent: 2/2/2021 1:16:20 AM
To: [REDACTED]
Subject: AAAATEh6aUk-Z6FUDBAc1pA
Attachments: Screen Shot 2021-02-01 at 5.15.41 PM.png

- [REDACTED] 2021-02-01T19:16:20.123-06:00
good example of app gap among folks that influence purchasing decisions

- Screen Shot 2021-02-01 at 5.15.41 PM.png

- [REDACTED] 2021-02-01T19:17:54.111-06:00
fyi, we are working with them on an android app, but yes is bad.

- [REDACTED] 2021-02-01T19:18:06.466-06:00
one big concern they had

- [REDACTED] 2021-02-01T19:18:11.781-06:00
was the sideloading

- [REDACTED] 2021-02-01T19:18:14.132-06:00
[REDACTED]

- [REDACTED] 2021-02-01T19:18:23.899-06:00
they wanted it to be more 'exclusive' and only available

- [REDACTED] 2021-02-01T19:18:29.593-06:00
first in a beta

- [REDACTED] 2021-02-01T19:18:35.756-06:00
and by invite

- [REDACTED] 2021-02-01T19:18:39.537-06:00
and then finally to download

- [REDACTED] 2021-02-01T19:18:48.197-06:00
Android didn't "support that kind of rollout"

- [REDACTED] 2021-02-01T19:18:53.375-06:00
according to their ceo

- [REDACTED] 2021-02-01T19:22:02.909-06:00
hmm...anyone can download on app store

- [REDACTED] 2021-02-01T19:22:11.288-06:00
but, you have to wait for the invite once you sign up

- [REDACTED] 2021-02-01T19:31:40.892-06:00
it's apparently not how it started on iOS (started with beta etc)

- [REDACTED] 2021-02-01T20:15:56.455-06:00

Seems like you could enable a closed beta experience via a closed test track on Play. I might not be understanding a nuance in their roll out, though.

- [REDACTED] 2021-02-01T20:22:53.630-06:00

Yes totally. The guy told purnima he was worried about side loading, repackaging of his apk, etc etc. I don't know. My guess is the cool kids in his target user base don't use Android. But they are now working on an app.

- [REDACTED] 2021-02-01T20:27:29.206-06:00

Makes sense. The target user issue is hard :/

- [REDACTED] 2021-02-01T21:10:30.498-06:00

I heard that they are worried about variances in audio quality from Android devices and worry that this will hurt their reputation during this early period when they're trying to establish themselves.

- [REDACTED] 2021-02-01T22:00:40.582-06:00

Did you hear that on [REDACTED]

- [REDACTED] 2021-02-01T22:41:26.680-06:00

No I actually use Android :)

- [REDACTED] 2021-02-01T22:41:45.419-06:00

I was just testing

- [REDACTED] 2021-02-01T22:43:33.867-06:00

Sagar is streaming tonight at 10pm on [REDACTED] with elon musk. (Using iphone)

EXHIBIT A24

EXHIBIT 35

Message

From: Eugene Liderman [REDACTED]
Sent: 9/29/2020 3:01:42 PM
To: Dave Kleidermacher [REDACTED]

- **Eugene Liderman**, 2020-09-29 08:01:42

- **Eugene Liderman**, 2020-09-29 08:01:46

Did you see this yesterday

- **Dave Kleidermacher**, 2020-09-29 08:02:11

yeah this was a huge launch many months in the making

- **Eugene Liderman**, 2020-09-29 08:02:35

The choice of stores thing came out of left field though?

- **Dave Kleidermacher**, 2020-09-29 08:03:45

it's all PR crap. Sameer wanted to indicate we're being flexible. In practice, what's been considered [REDACTED]

- **Eugene Liderman**, 2020-09-29 08:04:23

Should we be thinking about this with regards to TR and keep side loaded on the charts?

- **Dave Kleidermacher**, 2020-09-29 08:04:52

not sure I understand your link there

- **Eugene Liderman**, 2020-09-29 08:08:07

[REDACTED] should we continue including off-play in our TR to show the risk

- **Eugene Liderman**, 2020-09-29 08:08:34

even though off-play risk has continued to go down in the TR, it's still like 5 or 6 times higher than on-play

- **Dave Kleidermacher**, 2020-09-29 08:09:35

If we had good quality data, we'd probably want to include it, but we don't. It's worse to show misleading data

- **Eugene Liderman**, 2020-09-29 08:15:43

Speaking of quality data for the TR. Now that I showed you that for Android Enterprise, devices with an MTD represent [REDACTED] of all AE devices are you cool with us publishing the Device Hygiene chart where it's Consumer Play Only vs. Enterprise Play Only

- **Dave Kleidermacher**, 2020-09-29 08:17:38

I still don't like it. Maybe I can be convinced. Other than making AE team happy, what purpose does it have? And how will we make it very clear what it means in terms of P0 vs. DO? I think this shows how important curation/allowlisting is for safety, that's my main takeaway, but not sure this is something that belongs in a transparency report

- **Eugene Liderman**, 2020-09-29 08:21:11

I think the benefits are:
1) As you mention its a great talking point for AE and allows us to consider having more Enterprise specific stats in the future - The AE team uses our TR more than anyone. I also think this helps with our analyst work with Gartner, Forrester, etc... because they all publish about MTDs so for us to prove that malware rates are amazingly low on AE devices could help sway their thinking about recommendations on Android
2) It allows us to still show a comparison in chart one so it makes deprecating the off-play stat a little easier
With regards to making it clear about PO/DO, we would add an FAQ item and link to it from that chart so viewers understand what this entails

- **Dave Kleidermacher**, 2020-09-29 08:25:38

the goal of transparency is to provide useful information to the public and raise confidence in what we're doing. What is the message we're trying to send here? Is it simply that enterprise devices are safer? Again, how does that not play right into the hands of the MTDs? Are we going to say that only .5% of devices have MTD installed? That would be pretty cool actually but I'm not sure we can say that...

- **Eugene Liderman**, 2020-09-29 08:30:06

I dont think we would put that in the TR but the AE team does want to do a blog post around GPP capabilities as a refresher. We could certainly add the MTD stat there - <https://www.google.com/url?q=https://docs.google.com/document/d/18LqiSTJpUa-470r0PsgpA7-Mh8jsH3ZAfm-5arNiduQ/edit&sa=D&source=hangouts&ust=1601479806649000&usg=AFQjCNFlpWfOsYUcGcE8vmuJBA4rPZtlpQ>>https://docs.google.com/document/d/18LqiSTJpUa-470r0PsgpA7-Mh8jsH3ZAfm-5arNiduQ/edit

- **Dave Kleidermacher**, 2020-09-29 08:30:52

happy to talk more about the TR idea but it's not a slam dunk

- **Eugene Liderman**, 2020-09-29 08:31:06

ok let me book some time

- **Eugene Liderman**, 2020-09-29 08:31:30

Any feedback on the ioXt App Profile trix I shared with you?

- **Dave Kleidermacher**, 2020-09-29 08:31:40

still hadn't had time to review

- **Eugene Liderman**, 2020-09-29 08:33:55

I basically did a fine grained mapping of ioXt Pledge to VPN pledge to OWAS MASVS

- **Eugene Liderman**, 2020-09-29 08:34:20

A message was edited in Google Chat; view the updated message on (<https://chat.google.com/dm/ipSjpAAAAAE>>https://chat.google.com/dm/ipSjpAAAAAE).

- **Dave Kleidermacher**, 2020-09-29 08:39:08

can you ping me the enterprise vs. consumer graph again? I want to use the stat today in a talk - is it 10x safer on an enterprise device?

- **Eugene Liderman**, 2020-09-29 08:39:35

https://www.google.com/url?q=https://dashboards.corp.google.com/google::_b5e0e744_d47b_491a_8c8d_c8365c1a4021&sa=D&source=hangouts&ust=1601480375690000&usg=AFQjCNEF35_Xql_4Yqm-hNT20Vkuy_dpuw>https://dashboards.corp.google.com/google::_b5e0e744_d47b_491a_8c8d_c8365c1a4021

- **Eugene Liderman**, 2020-09-29 08:39:41

do you have access to this?

- **Eugene Liderman**, 2020-09-29 08:39:47

if not I can email you a screenshot

- **Dave Kleidermacher**, 2020-09-29 08:40:39

I can access, thanks

- **Eugene Liderman**, 2020-09-29 08:40:45

its all the way at the bottom

- **Eugene Liderman**, 2020-09-29 08:40:50

"Experimental"

- **Dave Kleidermacher**, 2020-09-29 08:41:16

looks roughly 10x

- **Eugene Liderman**, 2020-09-29 08:44:58

Consumer: 0.1126% Enterprise: 0.0039%

- **Eugene Liderman**, 2020-09-29 08:45:14

thats looking at the last day, and using the 12month rolling rate

- **Eugene Liderman**, 2020-09-29 08:46:25

Comes out to 27X right?

- **Dave Kleidermacher**, 2020-09-29 08:47:12

I was eyeballing, saw some .01 and .11s a lot. But that number is better, thanks

- **Eugene Liderman**, 2020-09-29 08:49:01

On the right hand side if you gray out the non-SMA values it will be easier to see - https://screenshot.googleplex.com/7b6LXFriqocxh6C.png

- **Dave Kleidermacher**, 2020-09-29 08:58:39

what is SMA?

- **Eugene Liderman**, 2020-09-29 09:18:54

Simple Moving Average = 12 month rolling rate

- **Eugene Liderman**, 2020-09-29 09:19:29

We use a rolling rate to smooth out the numbers and mitigate against data volatility

- **Eugene Liderman**, 2020-09-29 09:46:25

Let me know if you have any other questions

- **Eugene Liderman**, 2020-09-29 09:46:33

Do you want the MTD data as well?

- **Dave Kleidermacher**, 2020-09-29 10:05:49

sure, maybe bring that to our meeting...

- **Dave Kleidermacher**, 2020-09-29 10:06:03

(I don't need it now)

EXHIBIT A25

EXHIBIT 36

Message

From: Sait Izmit [REDACTED]
 Sent: 9/9/2020 9:02:46 PM
 To: Paul Bankhead [REDACTED]

• **Sait Izmit, 2020-09-09 14:02:46**

ok she didn't really let me ask a question but at least for you ... it might be good to benchmark with platforms like Stripe the billing functionality they offer. Using Stripe products actually you can build a play store billing service ... their platform is quite flexible and they offer interesting features for developers like early payments based on extra percentage cuts etc

• **Paul Bankhead, 2020-09-09 14:04:12**

They are kicking our butt

• **Paul Bankhead, 2020-09-09 14:04:34**

But I also think you need a slightly more sophisticated developer team to cobble together a billing platform even with stripe

• **Paul Bankhead, 2020-09-09 14:04:48**

Stripe just hired the 2 pms that built the play billing system

• **Paul Bankhead, 2020-09-09 14:05:09**

So we beat them on fops and countries

• **Paul Bankhead, 2020-09-09 14:05:17**

They beat us on primitives

• **Paul Bankhead, 2020-09-09 14:05:43**

Our main value though is not in The primitives it is that we have a whole bunch of users with fops ready to spend which they don't offer because they are infra

• **Sait Izmit, 2020-09-09 14:08:23**

I did the feasibility of a billing service based on stripe on my previous life and it looked quite ok to be honest :-)
 they are indeed infra. just mentioning as an inspiration channel, since they offer it as a product they worked a lot on creating flexibility and additional features which might be inspiration for us as well.

• **Paul Bankhead, 2020-09-09 14:08:59**

Yeah

• **Paul Bankhead, 2020-09-09 14:09:14**

In general it is embarrassing that Google did not create stripe ourselves

• **Paul Bankhead, 2020-09-09 14:09:26**

We were too busy fighting about future requests on the Google payments platform for internal customers to worry about external customers

